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BENTHAM

JEREMY BENTHAM TO HIS  
FELLOW-CITIZENS OF  
FRANCE, ON HOUSES OF  
PEERS AND SENATES

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## JEREMY BENTHAM TO GENERAL LAFAYETTE.

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MY EVER DEAR LAFAYETTE!

YOUR commands are laws: subject-matter, this question—"In France, shall we, or shall we not, have a Chamber of Peers?" On this question you desire my thoughts: here they are at your service. For these thoughts, *you* are not responsible; nor for any part of them. What yours are—I have never known; nor, antecedently to your receipt of this paper, would I know them, if I could help it. My wish has all along been—that mine on this subject should be free from all bias; and that they should stand or fall by their own strength. Proud and gratified of course shall I be, in proportion as my notions of what is best are found to coincide with yours.

With yours?—Yes: and, I will add, with those of our beloved King.

As to any points, on which, in either instance, I fail to experience this good fortune, set any of the honest and talented men whose qualifications have come within your observation—set them to apply correction to any such errors as it may have happened to me to fall into. In this way, at any rate, I may have the satisfaction of being of use to our dear country: and it matters not in what proportion it may be in the one way, and in what proportion in the other. Whosoever, if any one, writes accordingly,—desire him to write altogether at his ease, speaking of my thoughts—in the terms, whatsoever they are, in which his own as to mine happen to present themselves.

*Queen's Square Place, Westminster, London,*  
15th October 1830.

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# JEREMY BENTHAM

TO HIS

## FELLOW-CITIZENS OF FRANCE.

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### ON HOUSES OF PEERS AND SENATES.

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#### § I. *Introduction.*

FELLOW-CITIZENS,

1. "YOUR predecessors made me a French Citizen: hear me speak like one." So said I for the first time A° 1792. Hear me now speak thus for this second time.

2. Two great questions are now on the carpet—

1. A House of Peers is in existence;—shall it be discarded? I say—Yes.

II. A Senate is proposed to be instituted;—shall it be instituted? I say—No.

3. If deception be not a man's object, he cannot make known too early the end he is endeavouring to lead his readers to. With me this is a general rule: on the present occasion, such (you see) is my practice.

4. On matters of government more particularly, no proposition do I, on any occasion, make, without *reasons*—at least, what to me appear such—for its support. On every occasion, these reasons have the greatest-happiness-principle for their ground and source.

For any accession that I ever look for to any such proposition, on those reasons is, on every occasion, my sole reliance. As to any influence with which any opinion, declared by me to be mine, might be supposed to act on other minds,—merely because it is declared by me to be mine, or merely because it is thought to be mine,—it is in my own account set down as exactly equal to 0: lower than this it cannot be set by anybody.

5. I have by me a receipt for exhausting any subject a man takes in hand (*a*). A good receipt is one thing: following it well is another. I have done my best towards both things. You will judge.

6. In the concise manner possible—in the fewest words possible—I hereby submit to your view the *reasons* by which, in relation to these subjects, these my opinions have been determined.

7. No rhetoric here; no appeal to passion; no recourse to imagination; no exercise given to the art of deception in any of its branches.

8. "Strike, but hear," said the Athenian General to his Spartan Ally, on the occasion of a difference of opinion. "Be angry and sin not," says a

(a) In a work stiled *Chrestomathia*.

Christian Apostle. Be as angry as you please; and, in so doing, sin as much as you please, say I to all such of you, my dear and admired Fellow-Citizens, whom I have not the good fortune to be about to see agreeing with me. Give vent to your anger: I defy you to produce any in me. Give vent to your anger; but give the public and me the benefit of your *reasons*.

9. On this same side, others there will probably be, who will present themselves to you with arrows taken from that armoury—with ornaments taken from that wardrobe. To these papers, should such be their pleasure, they may refer you, for better security and further reliance.

## § II. *Topics on the carpet as to a Second Chamber.*

I. A Chamber of Peers, a Senate, or neither the one nor the other, but a Chamber of Deputies without either: so far as my information and observation are correct, this is the description commonly given—of three states of things, between which and which alone the option is on this occasion considered as being to be made.

2. But, in my view of the matter, this description wants more or less of being sufficiently particular. Subject-matters which, on this occasion, require to be taken into consideration, or will of themselves come into consideration, are these which follow:—

i. *Powers* requisite to be given to the body in question.

ii. *Persons* by whom the members of the body in question shall, in the several cases, be located.

iii. Conditions of eligibility, requisite on the part of the persons located: conditions of eligibility, as you say in French; *qualifications*, as we say in English: the French, clearer and more expressive; the English, more concise.

3. Neither the one nor the other, say I, as above: quite sufficient the Chamber of Deputies, located by the People; that is to say, by a part more or less considerable of the whole number of the members of the great community in question: but, as to what part, that belongs not to the present question. Quite sufficient the one *ruling*, or with a King *co-ruling*, body: needless, useless, worse than useless—that is to say, purely maleficent,—such, if I mistake not, will be seen to be everybody that can be attached to a Chamber of Deputies, in such sort as to be capable of applying a *veto*, or so much as a cause of retardation—a *bar*, or a *drag*—to any of its proceedings:—such, whatsoever be the *powers* attributed to it, whatsoever the *persons* by whom the situation composed of those powers is conferred.

4.—i. The *powers* proposable it seems necessary that I should present to your view.—ii. The description of the *locators* proposable it seems likewise necessary that I should present to your view.—iii. As to *qualifications*,—on the present occasion to say anything on this topic would not be consistent with the opinion just expressed, with the accompanying reasons for its support.

5. Powers that present themselves to me as proposable, are the following:—

i. A share in the *legislative* authority in the supreme grade. For, this has place everywhere: in every instance in which legislative power in the supreme grade is exercised by a representative body,—whether acting alone, or in conjunction with a Monarch,—it constitutes the basis of every power given to any other body added to it.

ii. A portion of *judicial* authority. For in France, to the portion of supreme legislative authority in question this appendage stands attached at present. And, this is attached to the portion of legislative authority in England, in the case of the *Second Chamber* called the *House of Lords*: and, in

the Anglo-American Union, in the case of most of its compound States separately taken, as well as in that of the aggregate body composed of Deputies sent from all of them, styled the *Congress*: *Senate* is the denomination given to it in this latter case (a).

III. A portion of *administrative* authority in the supreme grade. For, this is attached to the portion of legislative authority in the Anglo-American States, in the case of that same *Senate*.

6. Sole *locators* that seem proposable, and between whom the option will have to be made, these two:—

1. The Monarch, of course;—he being the sort of functionary by whom this power is possessed and exercised, at present:—in France, in England, in a word, in every monarchy, in and under which there is a *Second Chamber*, with its population, in addition to that which is composed of the *Deputies of the People*.

II. A body, on the members of which this power is conferred. Example—original and most illustrious—in the case of the *Senate* in the abovementioned Congress, the aggregate composed of the “*legislatures*” of the several States.

7. So much depending on the situation of the *locating* functionary or functionaries, this topic could not, on the present occasion, be passed by.

### § III. *Objections to any, even the best appointed, Second Chamber.*

1. Now for the *reasons*, by which my rejection of a Second Chamber has been determined.

1. The case, to which I apply them in the first instance, is—that which is most favourable to a Second Chamber:—that is to say, the supposition—that the choice made—as well in respect of the *powers* conferred, as of the sort of person or persons by whom they are conferred—is that which stands least exposed to objection.

II. And, for argument sake, let the power conferred be—a share in the legislative authority alone, unaccompanied with a share in either of the two other authorities.

III. And, let the locators be—either those who are so in the case of the *Senate* of the Anglo-American Congress, as above, or those who are so in the case of the First Chamber of that same Congress—the Chamber, the members of which are stiled the Representatives of the people.

2. If I do not deceive myself, it will be seen—that, whatsoever be the strength of the objection in the case which I begin with, as being the most favourable case, it is not less in any other proposable case; and that, moreover, as between simplicity and complexity of powers, whatsoever be the strength of the objection, in the most *simple* case, it will be seen to become greater and greater, as the case becomes more and more complicated.

3.—1. *Objection the first.*—On the advocates of this appendage lies what is called the *onus probandi*—the burthen of proof. On them, if there be any net *benefit* produced by it,—on them lies the obligation of bringing it to view.

(a) In speaking of the Chamber of Peers, as likewise of its proposed substitute—a *Senate*,—I use the appellation of the *Second Chamber*, because such appears to me to be the practice. But, whatever it may be in respect of any other order, it has not been so, in every instance, in respect of the *time* of its institution. In the case of the Anglo-American Congress, mention is made of the House of Representatives before any mention is made of the *Senate*.

The relative *time* of the institution being, with reference to the present question, matter rather of curiosity than importance, if in the course of this address, anything is said in support of the above observation, the place it occupies will be that of an Appendix.

Of no such benefit has exhibition been ever made: of benefit in some shape or other, *assumed* has the existence been by everybody; *proved* by nobody.

4. Antecedently to all development in detail, one plain reason against it presents itself to a first glance. Of a Chamber of Deputies, in the character of a *first* Chamber—that is to say, first in the order of importance,—of a legislative body—principally, where not exclusively, acting as such,—the utility—nay, the indispensable necessity—is recognised on all sides: the existence of this necessity therefore *may* be—it *must* be—taken for a *postulate*. But, that from the force and efficiency of this body, the existence of any other body—before which must be carried, ere the force of law be given to it, every proposed law—should not make deduction more or less considerable, is not possible: the *time* during which the measure continues in the *Second* Chamber before it is otherwise disposed of, is so much delay; and, even supposing *adoption* and *consummation* to be the ultimate result, in so much that an *ultimate negative* is not applied to it,—still delay, so long as it lasts, is a temporary *negative*: and, if the measure has any net benefit for its result, the value of the loss by the delay is in the exact proportion of the length of it.

As to any counter-presumptions, these will be considered presently.

5.—II. *Objection the second.—Needlessness.* Yes: needless—utterly needless—may be seen to be this institution. No benefit in any *determinate* shape having ever been held up to view as resulting from it,—if then, to satisfy the reader of the needlessness of it,—and thence, as below, of the perniciousness of it,—anything further can be done,—it must be by looking out for such *supposable* benefit as the nature of the case may be capable of suggesting.

6. Supposable need the first. Need of the degree of consideration, which, without this additional body, a measure cannot receive. Supposable reason in support of the institution: as the length of the *time* during which the measure continues in the Second Chamber, is the quantity of additional *consideration* which it is capable of receiving. *Answer*—No need of a Second Chamber follows. For, to the First belongs the power of giving to the measure whatsoever length of consideration is, in the opinion of that same First Chamber, best adapted to it: and the correspondent quantity of deliberation and time being bestowed upon it, any further quantity must, according to that same opinion, be useless, and thence, as will be seen, pernicious.

7. Supposable need the second. On the part of the members of the Legislature, need of a degree of appropriate aptitude not otherwise likely to have place. But, will it be said that to the *Second* Chamber belongs more appropriate aptitude—namely, in all its branches taken together—than to the *first*? Consistently with the above *postulate* this cannot be said: if to this same Second Chamber more such appropriate aptitude belongs than to the first, not *Second* ought it to be, but *First*, or rather—what upon the face of the argument appears already to be the only reasonable state of things—the *only* Chamber.

8.—III. *Objection the third.—Unavoidable perniciousness: namely, in respect of delay: and, in the first place, what may be styled the involuntary delay.* The First Chamber giving to the measure whatsoever delay is attended with net benefit or say *profit*, whatsoever delay is given to it by the *Second* Chamber is so much net detriment—so much *net loss* in the account of *profit and loss*. And, as has been seen above, a quantity more or less considerable of this detriment it is not in the power of the Second Chamber to forbear producing: to the minimum of this quantity,—*addition* it is capable of making to an amount altogether *unlimited*; from it, it is not capable of making *subtraction* to any so much as the *smallest* amount.

A quantity of time, more or less considerable, is thus consumed and wasted in the Second Chamber, on the occasion of each measure:—at any rate,



the time employed in one *proceeding*,—and, if there be proceedings more than one, then, in addition to the sum of those same proceedings, the sum of the several intervals between one proceeding and another.

9.—iv. *Objection the fourth*.—Perniciousness in respect of *voluntary* delay:—in respect of whatsoever delay is capable of being *voluntarily*, or say *purposely* produced, in addition to that which, as above, has place *involuntarily*, as in the case of the motions of the heart and arteries—motions produced without any exercise given to the faculty of the *will*. To the amount of this delay, thence to the amount of evil producible by it, *limit* assignable there is none.

10.—v. *Objection the fifth*.—Frustration, or say utter exclusion, put upon the benefit of the several in themselves practicable beneficial measures, separately considered. Instances, in which this evil will have place, are all those in which, but for the delay, involuntary and voluntary together, that has place, a measure to an amount more or less beneficial would have been adopted and carried into effect; but which, being known to be incapable of producing such its effect, if not adopted till after the expiration of the time in question,—is, by that consideration, prevented from being brought forward.

11. Note here—that, the appellatives *good* and *evil* being, as above, mutually intertranslatable, not only may *positive good* be, by this means, *prevented* from coming into existence, but *positive evil*, to any amount, *made* to come into existence (a).

12.—vi. *Objection the sixth*.—Perniciousness by *all-comprehensive* delay—by delay and prevention of all beneficial measures in the lump, by means of the aggregate amount of the delays, involuntary and voluntary, thus produced by the existence of a Second Chamber, as above.

13. The *present* is a *time* at which—the present is an *occasion* on which—this evil presents, with particular force, a claim to notice. The work which at present, my Fellow-Citizens, you have in hand, is a work of regeneration. What you have to make is, in a word, *an all-comprehensive Code*. With such a work as yet to create, think how much greater the evil of *delay* cannot but be, when compared with what it would be if that same Code were already in existence. Not that everything in the existing Code will require to be changed: only that, with a view to any eventual demand for change, everything requires to be looked at.

14. In the First Chamber—in the Chamber of Deputies, the protraction, to which the immense future contingent mass will unavoidably be subjected, will receive no small accession from the recent arrangement, by which the mouth of every member of this same Chamber has been opened, to the purpose of his giving origination to proposed laws. The miracle which *the Lord* wrought upon the stud of Balaam (I mean them no disrespect) your new King has wrought upon your Deputies.

(a) For example, of the several *calamities* and *casualties* to which human nature stands exposed, see a list in *Constitutional Code*, Ch. XI. *Ministers severally*, § 5, *Preventive Service Minister*.

Of any one of these sorts of calamities, take for an example this or that individual instance: if it has happened for *want* of a law, by which it would have been *prevented*, and which would have passed within the time but for the delay produced by the Second Chamber—but which, by the delay that had place in the Second Chamber, was prevented from being passed within that time: here is a *calamity* of which the existence of the Second Chamber is the cause.

So, on the other hand, in the case of the want of a timely *repeal* of a law by which the calamity in question was produced or aggravated\*.

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\* This may be seen to be among the evils resulting from a too extended *continuous* territory; and, in a still greater degree, from *distant dependencies*.

15. The *tribune*—that ridicule-provoking machine, by which a palsy has been struck upon the tongues of the most eloquent people upon earth—will ere long be consigned to the *lumber-room*: and, from the removal of this cause of impediment to *speech*, the indefinite mass of inevitable delay in *action* will receive ulterior increase.

16. As *time* progresses, so will the quantity of appropriate *instruction*—the quantity of thought, right and wrong together, bestowed upon the field of law, and of expression, in that place as in other places, given to that thought—the number of speaking members, and the fluency of each,—in a word, the quantity of *time* occupied by each.

17. Turn to the Anglo-American States. Ask, of such of their politically-instructed and intelligent citizens as shall come within your reach—ask, if from this cause the length of discussion is not receiving continual increase?

18. No secret to the enemies of your felicity—no secret will be the effect of the all-comprehensive delay necessitated by a Second Chamber. On this account, as well as on so many others which remain to be here presented to your view, the incumbrance will have them for partizans and advocates—advocates strenuous in proportion to the retardative weight of it.

19. Under our "*Matchless Constitution*" (so the phantom has christened itself), this power of defeating all salutary measures in the lump,—and *this* by means raised above the sphere of observation,—is an engine of matchless efficiency—an engine, of the capability of which no part is ever lost—an engine, which at all times is made the most of.

20. Accordingly, as, to the ruling few, abuse in every shape is *profit*—having been created and preserved by them for that purpose,—that which, in regard to removal of every part of that same abuse—in other words, in regard to *reform* in every shape,—they insist upon, is—that it shall be *gradual*. A man of this stamp is as fond of reform as you or anybody, only it must be *gradual*. A proviso so reasonable—how can you refuse to join with him in it? Ought it not—this and every reform—ought it not to be *temperate*? Well then—to be *temperate* it must be *gradual*—to be *well* done it must be *gradually* done. Fellow-Citizens! as often as you meet with a man, holding to you this language, say to him—"Sir, we have our *dictionary*: what you are saying we perfectly understand: *done gradually* means *left undone*:—left undone, for ever, if possible; if not, every part of it for as long a time as possible."

21. Such is the desire, such the endeavour, such the language, such the policy, such the morality,—of the aristocratical party, self-styled and distinguished among us by the appellation of the *Whigs*. The Tories cling to abuse, and abhor reform, and declare as much: the Whigs cling to abuse, and abhor reform, and profess to love it. You have now seen the cloven foot, by which an *anti-reformist*, in the mask of a *reformist*, is self-betrayed.

22. The Tories, whom they behold entrenched in Harpy Castle (Blackstone's venerable old castle), they besiege, for the hope of substituting in it themselves to their at present more fortunate rivals. While carrying on such their operations,—perplexing is their position, ridiculous enough their distress. No otherwise can they ever act, but with ammunition borrowed—say rather stolen—from the *Radicals*—the friends of the people: nor without doing more or less damage to the object of their concupiscence—this same stronghold and treasury, which the friends of the people are all the while attacking for the purpose of blowing it up.

23. Fellow-Citizens, we have our Whigs—you, of course, yours.

24. As to the *amount* of the evil in this case, to form any tolerable conception of it may, to a first glance, appear absolutely impracticable. Further consideration may present a prospect somewhat less disheartening. Let any person make out for himself, in his own mind, a list of all the *evils* which, in his

view, the community is suffering. For want of such *remedies* as it may be in the power of legislation to supply,—these evils he may, on no unreasonable ground, consider as the fruits of any system—of any set of arrangements—by which delay, to any amount, is established, independently of any demand produced for it by the individual case in question : and, for these evils he may consider the public as beholden to whatsoever persons have contributed either to the *institution* of the system in question, or to the *support* of it; especially after the evils resulting from it have, as here, been spread open before the public eye.

25. That, but for this system of delay, they would, *all* of them, within his lifetime, be removed,—this is more than he can naturally regard himself as assured of : but—that by this system, if proceeded in, the removal of them will, as to the greater part of them, be rendered impossible, so long as it is persevered in,—this is what he may stand perfectly assured of.

26. By what causes have such establishment and support been produced in the minds of these same persons ? by *obtuseness* ? or by ill-directed *acuteness* ? *Answer*—naturally enough, by a mixture of both.

27. Of *obtuseness*, an exemplification seems to be afforded by the so-long-established Swedish Legislation. Bodies, acting—in appearance, in conjunction with,—in effect, in subjection to, the Monarch, four : Nobles, Clergy, Burghers, Peasants. These classes being regarded—each by itself, and each by the rest and by the King—as having an interest to itself, different from that of every other,—separation followed of course :—by each of these, the exemption from the observation of all persons, liable to possess, on any occasion, an opposite and rival interest, would naturally enough be regarded as an advantageous as well as agreeable circumstance : and the Monarch would see his advantage in playing them off one against the other.

28. Mark now the benefit which the authors reap—(and is it possible they should not *look to reap* ?)—from this policy. No less than, so far as regards themselves, and the public evils from which they reap the private benefit,—the perpetuation of that same benefit and of those same evils, for the sake of it.

29. Inconvenience there would be, and to an indefinite amount, in so unpleasant an operation, as that of standing up and arguing, in defence of all these several arrangements—each of them, with its evils seen in its transparent womb,—so numerous, all the time, the cases, in which,—the light of day having been cast upon them,—silence, nonsense, or glaring absurdity, would be the only option at the choice of a would-be supporter of them.

30. Thus it is, that *that* which eloquence would in vain strive to do in retail, delay, in the hands of cunning, does, and with complete effect, by wholesale, for and during a time, which (as English lawyers say of *memory*) for aught “runneth not to the contrary,” is abuse in all its forms, and thence in all its unduly profitable forms, continued and profited by :—remedy, in all its forms, excluded.

31. Thus, under *Matchless Constitution*, in the minds of rulers whatsoever acuteness has place, it is to work of this sort that it applies itself. Yes: Not merely to indolence and incapacity, but to craft likewise, may be seen to be with truth imputable the so-conspicuous nothingness of Parliament. So to order matters, that, for the bringing forward propositions in relation to any subject, by Members of either House, acting otherwise than by and under the direction of those of the King's Cabinet, the quantity of time shall be minimized,—such is the problem, on the solution of which, what little intellectual and active aptitude can have residence in such a place, is at all times occupied. As for abuses, in all their shapes,—for giving *increase* to them, time is always at the command of Ministers : for *diminution* of them—for remedy

to them—time for so much as the attempt is never at the command of any one else (a).

32. One way of making amends for this disaster might be to set up and open an *Historical School, à la mode de l'Allemagne*; and instead of sending the *School-master abroad*, send for a schoolmaster *from* abroad. Monsieur l'Herminier in France,—or Der Heer Savigny, in Germany,—could furnish admirable masters. It is not every man that knows, that by this same school a *history of law* is spoken of,—and with no small assurance,—as a most advantageous substitute to *law* itself: for any country whatsoever, the history of the law of that same country, with or without the history of the law of this or that other country or countries, new or old; and that by these philosophers, it is mentioned with perfect sincerity, and no small earnestness, that by an historical work of this sort, direction sufficient may be given to the political conduct of men in that same country.

33. Upon the same principle, to what incalculable amount might not improvement be made in other departments? To the army and the navy of a country, substitute, for example, a history of the wars waged by that same country, from the earliest, or other more appropriate, period in the general history of that same or some other country, down to the present time, or some earlier time?

34. So in private and domestic life. To an order on the cook for dinner, substitute a fair copy of the housekeeper's book as kept for and during the appropriate series of years, whatsoever it may be.

35.—VII. *Objection the seventh.*—Perniciousness, resulting from prevalence given to minorities over majorities. In comparison of this, the evils above

(a) Of this same policy, another branch consists in bringing forward plans of sham reform and Commissions of Enquiry; the plans brought into Parliament by Members; the Enquiries carried on, by individuals employed to collect facts. This last course has the additional advantage of putting into the pocket of a Minister, by means of the pay given to his Enquirers, money, or money's worth in the shape of *patronage*.

Of sham law-reform, a masterpiece has lately been held up to the light, in No. XXVI, for October 1830, of the Westminster Review:—*reduction* in delay, vexation, and expense, in litiscontestation, the professed object; boundless *increase* the demonstrated sure effect. How to continue for and during the life of the longest liver of the individual rulers now in existence, how to continue justice in a state of inaccessibility to all but the rich and powerful few,—such was, in this case, the problem to be solved.

Of this same policy another branch is presented to view by the word *consolidation*. How to continue the political rule of action, in a state—partly of uncognoscibility, and partly of non-existence,—such was, in *this* case, the problem to be solved. and, in the word *consolidation* may be seen the solution given to it. Ominous to your ears, my Fellow Countrymen, will be the sound of the word *consolidation*. Witness the *tiers consolidé*: with you it is the name of national bankruptcy: with us it is the name of a product of ministerial cunning\*.

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\* Have you a receptacle, the odour of which is troublesome? Employ a set of men—*Nightmen* is with us the official name of them,—employ them—not to empty it, but to look into it, and report, more particularly, how it smells. So doing, you will follow the precedent set by our Law-Reformers; by our ex-Chancellor Lord Eldon, and our present self-constituted Justice Minister, the half-namesake of our once so famous Sir Robert Walpole, and his rival in the art and science of political corruption.

In this wicked world, alas! nothing is certain but death! Liable to be frustrated are the best-concerted plans! In one of his Commissions of Enquiry, the hero of the Hon. Secretary's Office, seems destined to sustain a most unexpected defeat. To say which, is needless. it will show itself; already it has in part shown itself.

mentioned, immense as is the mass of them, are still but evils of detail. Behold in this a still more strictly all-comprehensive evil: not actual suffering indeed, but an unquestionable cause of it in every one of its shapes. Read and consider whether this is not true.

36. For the performance of the operations in question, a set of men have been selected. And *who* are they?—that is to say, for the purpose in question *what* are they? By the very supposition they are the most apt of all that could have been selected: all of them, for any difference that can be assumed and applied to the case in question, equally apt. Well then:—In relation to whatsoever may happen to be the question—in this, as in any other set of men, disagreement is liable to have place. Wanted then a *test* of rectitude; and, at the same time, a *measure* of the *degree* of probability as to its having place. One test and at the same time measure does the nature of things admit of:—this, and no other:—namely, the ratio of the number on one side to the number on the other side: *that* division, the component individuals of which are in the greatest number, being composed of those who are on the right side; the other division, of those who are on the wrong side.

37. Here then we have an undisputed and indisputable test and measure of rectitude. Apply it now to the purpose of ascertaining the consequences of having a Second Chamber. What are they? *Answer*—On *every* question, which comes in the first place before the First Chamber, and then before the Second Chamber,—to the right decision of the First Chamber may be substituted a wrong one. I do not say, that, to that same all-comprehensive extent, this is *probable*; but what I do say is—that this is *possible*.

38. *Measure* (I say) as well as *test*. And now as to the production of evil by the addition of this number, see an exemplification of the degree of probability capable of being shewn by the application of this measure. In the First Chamber, number of members, suppose 500: in the Second Chamber, 5. In the First Chamber, *for* the measure in question, all 500; against it, 0: in the Second Chamber,—*for* it, 2; against it, 3. Put now the numbers in both Chambers together, you have—*for* it, 502; against it, 3. What is the consequence? The three prevail over the 502: the beneficial measure, whatsoever its importance, whatsoever the evil flowing from the rejection of it—is rejected.

39. Note—that, under *matchless constitution*, this same number 3 is actually sufficient to give existence to the noxious effect, even though in the First Chamber the whole number—658—were unanimous in favour of it. In the Second Chamber—namely, the *House of Lords*,—the number necessary, but sufficient, to give exercise to the power of the whole is 4; majority, 3.

40.—VIII. *Objection the eighth*.—Perniciousness through rival contention. Continue or institute a Second Chamber,—mutual relations in respect of extent of power (*competence* it is called) must somehow or other be settled: competence of *jurisdiction* they call it, where the two authorities in question belong to the *judiciary* establishment. But, in the present state of jurisprudence, the chances against a clear adjustment—such as shall shut the door against doubts and disputes—are by no means inconsiderable. Whence, for so long as these same authorities are clashing, and waging against one another a war of words, all useful business being at a stand,—the war has *them* for the combatants, but you—the members of the whole community—for the sufferers.

41.—IX. *Objection the ninth*.—Perniciousness through complication. In legislation, whatever is needless is pernicious. Altogether upon its being *known* depends all the usefulness of the law—of the whole and of each part of it: the production of every good effect it is capable of producing; the exclusion of every evil it is capable of excluding. Abundant—unavoidably abundant—much more than could be wished—is the quantity of legislative matter that will be found unavoidably and indispensably requisite for the purpose: not inconsiderable (as above) the quantity of doubts and disputes, to

which it will be liable, and likely, to give birth. By every syllable added, increase will be given to the abundance of this same matter, increase to the difficulty of keeping it in mind, and, on each occasion, in the instance of every person concerned, to the probability of its not being in his mind; also, in regard to whatever portion of it happens to be in his mind, to the probability that the import of it will be a subject-matter of doubts and disputes: thence, at the charge of the aggregate number of the members of the community, to the probability of the commission of acts of maleficence prohibited by the law under the name of *offences*—of correspondent *wrongs* inflicted and sustained—of instances, in which the *benefit* intended by the institution of the correspondent *rights* fails of being enjoyed.

Not the less real are these evils, from being to so lamentable an extent unheeded.

42.—x. *Objection the tenth.*—Inoperativeness as to good. Here again applies the *onus probandi*. If any one knows of any *positive* good in particular, that can be done *by* and *with* a Second Chamber, and cannot be done *without* it, or that is more *likely* to be done *by* and *with* a Second Chamber than *without* a Second Chamber—let him declare it.

43. In relation to positive *evil*,—the effects and tendency of any such additional machinery, when applied to the manufacturing of laws, have, by the foregoing observations, been brought to view: its needlessness to all beneficial purposes, its perniciousness, its fruitfulness in positive evil—in so many distinguishable ways:—so, in like manner, in relation to positive *good*, its utter inoperativeness will, by the application of these same observations, be rendered not less manifest.

44. In and by this phrase—security against precipitation,—a sort of *apparent* positive good—a *nominal* one it may be called—is held up to view as produced by the institution of a Second Chamber: *Nominal?* Yes: that is to say, in contradistinction to *real* (a).

Inconsistent is the notion of any such security with the original supposition and assumption of the superior aptitude, in all its branches taken together, in the instance of the population of the First Chamber, as compared with that of the Second: in the First Chamber, defalcation from the quantity of time requisite for consideration and discussion, men cannot, on any individual occasion, make in any other than the *voluntary* manner as above explained: whereas, without any exercise of the will, and to an amount more or less considerable even against the will, or, as the phrase is, in contrariety to the *wish* of a Second Chamber, is addition made, in each instance, to the quantity of delay, which, were there but one Chamber, would be necessary.

45. In a Chamber acting singly,—no such precipitation, any more than any other occurrence or state of things, bad or good, can have place—*against* the will of the greater number of its members. Small is always the number, which, on any occasion, suffices for making delay to which no determinate limit is capable of being assigned: and this—not only on sufficient, but even on insufficient ground; and when the delay produced is useless, as well as when it is beneficial and needful.

46. True it is, that by means of *non-attendance* on the part of a certain number of the members, decision may be made to have place in contrariety to

(a) *Negative*, the good, if any there were, might be termed, with rather more propriety than *positive*; for, by *precipitation* is meant the non-existence of the quantity of time necessary to be employed in consideration and discussion, on pain of misdecision: and, in consequence of such non-delay,—production and admission given, to such *positive* evils, as would have stood excluded by an allowance of time sufficient for those purposes. This, however, is but a question of words: nor would mention have been made of it, but for the hope of substituting light to any obscurity which might have place in the conception entertained in relation to it.

the will and wish of the greater part of the whole number of the members. But, in this case, the fault lies in the non-existence—not of a *Second Chamber*, but of the arrangements necessary to secure constancy of attendance (a).

#### § IV. *Dutch Reasons in Support of a Second Chamber examined.*

1. I had gone thus far, when a most instructive and satisfactory document came within my observation. It is a *Report (b)*, presented to the King of the Netherlands, by a Commission, charged with the revision of the instrument now in force in that kingdom, under the denomination of “*The Fundamental Law.*”

2. In this document, with the satisfaction thus expressed, I see taken in hand the question between One and Two Chambers. “*Representatives of the Nation*” is the appellation, by which it characterizes the aggregate body of those functionaries, of whom, with the addition of the King, the *sovereign authority* is composed.

3. For support to the system of Two Chambers,—*reasons* the Report furnishes, in number, at any rate, altogether respectable. Let us take a look at them. The first then to be looked for is—the *end in view*. For, this will serve as a key to all the reasons—in a word, to everything that comes after it. What then is this same end in view? *Answer*—It is “*l'esprit de la monarchie; l'esprit de la monarchie le prescrit, l'intérêt de la nation l'exige*”(c).—The power of locating the members of the Second Chamber is the subject-matter of which this is said: and, if conformity to this same *esprit* is the proper end in view in that one case, it must be because so it is in every case.

4. Now then what is this same *esprit*? Let us take a sniff at it. A sort of *bubble* it may be seen to be:—and inodorous—empty of scent and sense it would also be, were it not for the *intérêt de la nation*, which comes immediately after it, and that which, by this means, is rendered manifest is—that the state of things, the establishment of which was, on this occasion, the object of endeavour was—not, in the first place, and beyond all things, the *interest of the nation*—or, in other words, the *greatest happiness* of the whole number of the members of the *community*—but a something or other, a sort of matter the value of which consisted in something which it had to do with the *Monarch*.

5. Vesicular as may be seen to be the character of this same *end in view*, the *means*, as indicated by the *reasons* by which it has been *preceded*, will not (it is believed) be found to mismatch it. *Reasons* I stile them without hesitation—the purpose for which they are exhibited being, manifestly, *that*, for which, on the occasion of a proposed law, reasons are made to accompany it: namely, the obtaining for it a sentiment of approbation at the hands of readers. But, as they successively enter upon the stage, not *reasons*.—not, as grammarians say, *sentences*,—as logicians say, *propositions*,—but *allusions to reasons*, the several locutions will be seen to be:—allusions, nothing more.

6. As to the *order* in which I proceed to lay them before you, my Fellow-Citizens, it is that which the learned draughtsman has given to them: it is not for me, it is not for a commentator, under any such notion as that of improvement, to substitute a different one. Thus then they may follow:—

7.—1. *Bubble or vesicle the first.* “*Le grand accroissement que l'état a reçu:*” the great increase which the state has received. *Increase* indeed!

(a) In my proposed *Constitutional Code*, provision is made against all evil from this source. See Ch. VI, LEGISLATURE, § 18, *Attendance*, § 20, *Attendance and Remuneration*, § 22, *Self-suppletive Function*.

(b) This Report commences in page 157 of the “*Collection des Constitutions*,” &c. tom. iii. Paris 1823.

(c) Page 160, line 17.

and you, my Fellow-Citizens, you are now *seeing*—and the state thus increased (not forgetting the King of it) is now *feeling*—some of the *consequences* of this increase. But now mind the spirit of oppression which lurks under the word *increase*: the least populous community, Holland, the *principal* one: the most populous one, Belgium, no better than an *accessary* one—forced into subjection under it.

8.—II. *Bubble or vesicle the second.* “*Le rang qu’il prend parmi les nations de l’Europe* :” the rank which it takes among the nations of Europe. In comparison of the *rank of the nation*, what signifies the happiness of the individuals of which it is composed? Just nothing: for, amongst all their reasons—thirteen, or thereabouts, [in number—nowhere is any mention vouchsafed to be made of it. Rank of the *Nation*? say rather, rank of the *King*: that being the rank, preserved to the functionary, the rank of whose father stood expressed by the inferior denomination of *Stadtholder*: of his father, whose successor he was in the *Dutch* provinces; the rank of King being preserved, or restored, which you please, to the son, upon the expulsion of Louis Bonaparte, and fructified by the increase of power given to it by the addition of the *Belgic* provinces.

9.—III. *Bubble or vesicle the third.* “*La diversité des élémens dont il est formé* :” the diversity of the elements of which this same state had been formed. Oh yes! *diversity* but too great: reason sufficient to have prevented the formation. Fellow-Citizens! the consequences are before your eyes.

10.—IV. *Bubble or vesicle the fourth.* “*Des intérêts plus compliqués* :” interests more complicated. Oh yes! forming against the junction, a reason, the strength of which is as the degree of the complication. To the junction of the two *States* it is that this reason bears relation. As to the question between the *Chambers*—between Chambers one and two—what has this same complication to do with it? Find out who can.

11.—V. *Bubble or vesicle the fifth: allusion made to experience.* “*Nous ont imposé le devoir de ne pas dédaigner les leçons de l’expérience* :” they (to wit, the abovementioned four bubbles) have imposed upon us the duty of not disdaining the lessons of experience. The reason here alluded to is that which, further on, I shall have occasion to spread out before you in some length and breadth, under the appellation of *authority-begotten prejudice*.

12.—VI. *Bubble or vesicle the sixth: prevention of precipitation.* “*Pour empêcher la précipitation des délibérations* :” to prevent the precipitation of the *deliberations* themselves:—this is what is *said*. To prevent the precipitation of the *result* of the *deliberations*; this is what cannot but have been *meant*. By addition of the deliberations of one assembly to those of another, how can prevention, or so much as diminution, be applied to the deliberations of the first? Of any such addition, decrease in the quantity of *time* employed in deliberation—decrease (as before observed) rather than increase—presents itself as the natural consequence. Why? because in the eyes of opponents in a first Chamber, the greater the opposition expected in another, the less urgent will be the need of opposition in that same first Chamber.

13. And as to the deliberation thus added,—which is the Chamber, in which, if at all, it has place?—*Answer.* That, in which it is least assured of having place: the other being the principal seat of the legislative business,—the only one in which the more important part of the business can originate: the only one, in which any regular attention to the business stands assured: not to speak of its being the only one, in which an unbroken unity of interest and affection with the community at large has place: the only one, in which any efficient sense of responsibility to public *opinion*,—to the opinion of the community at large,—has place.

14.—VII. *Bubble or vesicle the seventh: a dike against the passions.* “*Pour opposer, dans les temps difficiles, une digue aux passions* :” to oppose, in diffi-



cult times, a dike to the passions. Here again behold the Dutchman. A Dutch image, not a Flemish one, is this of the *dike*. A dike indeed? Say—as well or rather—an additional impulse,—an impelling *gale*. If the passions meant are the *angry* passions (and such they can never fail to be) what will naturally be the effect of any such dike? When the Deputies of the People, by labour to an unlimited amount, have prepared what they think will be for the benefit of their constituents,—what is easy enough to conceive and understand is—how the thought that there is another body of men, which has an interest different from theirs, and mostly opposite, by which this child of their labours and affections is continually in danger of being thrown out of doors—how this thought (I say) should stir up a gale of the same angry passions:—how it should produce a *calm*, or moderate any such gale, seems not quite so easy to conceive.

15. As to the *effect* of those same angry passions, when it consists in the proposition of a law not agreeable to the Second Chamber—here indeed the dike comes into existence and into use: it does keep the proposed law—if not from *coming* in, at any rate from staying in and becoming an *actual* law. Somewhat of a misconception seems here to have crept in: a *storm*, or the *cause* of one, taken for a *dike*.

16.—VIII. *Bubble or vesicle the eighth: barrier to the throne.* “*Pour entourer le trône d’une barrière contre laquelle se briseraient les factions:*” to surround the throne with a barrier against which factions will break themselves to pieces:—in plain language—to deprive of their wished-for effect the opinions and wills of those, whose opinions and wishes are, as near as they can have been made, to the being the opinions and wills of the whole population of the nation, or at any rate of the most enlightened part of it. By *factions* is meant, as far as anything to the purpose is meant, *parties* entertaining designs and using endeavours of a nature detrimental to the *interest*, or say the *happiness*, of the whole community, or the major part of it. This being the meaning, that which is *presumed* by the reporter is—that evil to the community is more likely to be prevented, by men, who, not being chosen by the people, have an interest opposite to that of the community at large, than by men, who, being chosen by the people, have *not* any interest opposite to that of the community at large. If such be really the truth, something a little like proof of it might not have been amiss. But *presumption* is shorter than *proof*, and saves trouble.

17.—IX. *Bubble or vesicle the ninth: security against usurpation.* “*Pour donner à la nation une parfaite garantie contre toute usurpation des agents de l’autorité:*” to give the nation a perfect security against all usurpation by the agents of authority.—Usurpation? of what? this is not said. At the cost of whom? this is not said. By whom? this is not said. What is not said but necessarily implied is—that there is something *good*, which some authority or other is inclined to usurp, and which a Second Chamber, constituted as proposed, is not at all inclined to usurp; or at any rate is not so much inclined and moreover able to usurp, as is a First Chamber composed of the Deputies of the people aptly chosen, as above. Thus vesicular is the security against *usurpation*.

18.—X. *Bubble or vesicle the tenth: example of powerful Monarchies.* “*A l’exemple des puissantes monarchies:*” after the example of powerful monarchies.

19.—XI. *Bubble or vesicle the eleventh: example of flourishing Republics.* “*A l’exemple des Républiques florissantes:*” after the example of flourishing Republics. Monarchies mentioned first—mentioned before Republics, of course. Thus commanded Madame *Etiquette*. And see now what, under the management of our learned draughtsman, comes of obedience to her commands. To *powerfulness* the precedence is given before *flourish-*

*ingness*: flourishingness meaning, if it means anything to the purpose, *happiness*. As to powerfulness—*purposes* to which, in the case—whether of an individual or a community—it is applicable, two: preservation of himself or itself against wrongs, *one*: inflicting wrongs, another and somewhat different one. Now then, mark the practical consequence of the prevalence thus given to *powerfulness*: applied to the first it is useful and desirable: applied to the other purpose it is mischievous and undesirable. Employed thus without modification or explanation, the word is but too apt to be employed in the endeavour to promote that one of the two purposes which is purely mischievous.

20.—XII. *Bubble or vesicle the twelfth: non-adoption of certain foreign Institutions.* “*Pour operer cette division (en deux Chambres) nous n’avons pas adoptés des institutions étrangères, qui pourraient ne pas bien s’amalgamer avec nos institutions nationales:*” to effect this division into two Chambers we have not adopted foreign institutions, which would be liable to be amalgamated well with our national institutions. True: not adopted by the royal receiver of the Belgians under his yoke, were the institutions of any nation, foreign to both the nations so joined together. But—what has been so much worse—joined and forced together were these two nations, the institutions of which amalgamated so far from well, the one with the other.

21.—XIII. *Bubble or vesicle the thirteenth and last: something done with the principles of the division.* “*Nous avons puisé les principes de la division, dans l’esprit qui l’a fait adopter:*” we have drawn the principles of the division from the *esprit* which has caused them to be adopted. As for *esprit*, give the meaning of the word who can. Were I obliged to make the attempt, the word I should render it by would be—*gas*. This thirteenth makes (you may perhaps think) no bad finish to the twelve bubbles or vesicles its predecessors.

22. Fellow-Citizens! here you have—not only two packets of mutually opposite reasons, but two somewhat different *manners* or *modes* of reasoning. You will judge.

23. Tempting is the invitation: but the *above* is everything that belongs strictly to the present question. For any ulterior examination, no duty calls: but to have stopped short at any part of this reasoning would have been a denial of justice.

#### § V. *Sole proposable locator for a Second Chamber, a King. Further Objections hence.*

1. Now as to *location*. In the present case, sole authority *proposed* for the placing of men in this same Second Chamber is—the King. *Sole proposed*: I add—or *proposable*: and this—whatsoever be the *duration* of the authority of a member of this same Chamber: whether hereditary, as at present; or for life only, as in the case of one of the *Netherlands* Chambers; or for a limited term of years, as in the case of the *Senate* of the Anglo-American United States *Congress*.

2. True it is—that, in the case of that same Republican Second Chamber,—the authority, by which the function of locating its members is performed, is—not that of a single person, but that of a numerous body. But, in that case, for the exercise of this function otherwise than by a King, there exists a set of hands which in the present case has no place—and by those hands exercise is given to it accordingly. Those hands are those of a body composed of the “legislatures” of the several States (*a*).

(*a*) Comes upon the carpet, on this occasion, the topic of *local legislatures*. Great (it has been said) is the need of them in France: but the demand might be supplied

3. In a King, forget not, then, that you have a functionary, whose interests are, to an immense extent, in direct opposition to that of the great body of the people—a functionary, who to that *interest* by which every man is, on each occasion, urged to sacrifice to his own happiness that of all besides, adds the *power* of effecting, to an immense extent, that sinister sacrifice.

Who can deny the existence of this opposition of interest? Let us see. For, behold the *means* he has:—but, of this presently. Such being the nature of man, how can I help its having place? And, should I leave it unmentioned, when your happiness is in so great a part at stake upon the clear conception and full consideration of it?

4. In a Chamber of *Peers*, if continued, you will have a body of men, whom it will be in the *power* of the *King* to render contributory to that same sinister sacrifice. *Will* and *power* united, does not the effect follow?

without detriment to the authority of the existing legislature—namely, by the constitution of *sub-legislatures*, having authority in respect of certain local subject-matters alone:—and *that* subject in everything to the existing all-embracing legislature. Analogous in some sort to these sub-legislatures were Necker's *Administrations Provinciales*.

For the formation of the territories of these several sub-legislatures, the existing departments might be employed. They might be taken as they are, or laid together in any number.

Advantages thus obtained are the following—

1. Having appropriately instructed public opinion tribunals in as many places as there are sections of territory, having each its own legislature; in a word, so many smaller metropolises, instead of no more than the one large one.

2. Having in each sub-legislature a *nursery* for the supreme legislature: a school of appropriate aptitude, in all its branches, for the business of legislation. In this may be seen the peculiar advantage alluded to.

3. Having, for local purposes, a legislature by which the labour and expense of resorting to a central legislature from all distances would in great part be saved.

4. Having, for the management of those particular branches of business in question, managers, possessed of a better acquaintance with the local circumstances by which a demand for legislation is presented, than can be possessed by men having their abodes at distances more or less considerable.

Those advantages might be established, by giving (to each department, for example) a sub legislature of its own: or if by this means the number of sub-legislatures would be too great, *unions*, whatsoever presented themselves as desirable, might be effected. An analogous institution may be seen in Necker's *Administrations Provinciales*.

To the thus proposed system of sub-legislatures, substitute a *federal* government—such, for example, as that of the Anglo-American United States,—such would be the disadvantages (so it will be seen on the first mention of them) as would greatly outweigh the above-mentioned advantages.

First comes the extinction of the whole of the existing official establishment.

1. Intolerable would be the mass of suffering on the part of individuals, if the loss of the masses of emolument attached to the several situations remained uncompensated: little less grievous the suffering on the part of the public at large, if compensation were made.

2. This evil would be but a temporary one. But the danger of ill blood, ending in civil war, from collision of interests, from contrariety, real or imagined—would be a perpetual one. and

3. While the operation was going on, everything would be in a state of confusion: all the rights at stake in a state of uncertainty.

4. This additional and indispensable circumstance being brought to view, behold now the additional objections which it opposes to the continuance of a Second Chamber. Alas! what a task is this which I have set myself! the subject—this part of it—so unpleasant a one! to myself, such it really is—whatsoever it may be to any one else. If my object were to *please*—to please for the moment—if it were *that*, and nothing more valuable, nothing would I have to do with a subject so invidious, so *scabrous*, as you would call it. But my object is to be *useful*—to place before your eyes the plain truth, on a subject universally acknowledged to be the most momentous. This being my object, no choice have I but to proceed.

5. By the same *means*, by which he would have it in his power to render the Chamber of Peers contributory to this same sinister sacrifice,—by this same means, *but* for one obstacle, would he have it also in his power to render your Deputies correspondently, and with like effect, contributing to it. This obstacle is—the *dislocative* power, retained in the hands of the constituents of those same Deputies. This power, it is not proposed, nor will it be proposed, they should possess, with reference to the members of the House of Peers, or of any other sort of *Second Chamber*, composed of members placed in it by the King.

6. Such being the King's *interest*, of this same interest will he, of course, on every occasion, obey the dictates: continuing the sinister course to the utmost length, that his imagination and his judgment join in presenting to his view as consistent with his present safety and convenience.

7. Well: now for a few particulars of these same courses. Like any other man in his place, this same all-powerful functionary, will, at all times, have among his endeavours—to *obtain*, and so far as is consistent with *enjoyment* to *retain*, the possession of all imaginable instruments of enjoyment in all their shapes:—money, to wit, and money's worth, power in all its shapes—that power free from responsibility:—add reputation, respect, and love:—of the two latter as much as possible, and how little so ever merited:—add, moreover, factitious honour and dignity; vengeance as far as provoked by resistance; ease as far as consistent with enjoyment; security for all these possessions—most entire: security at whatever expense to the people produced, or endeavoured to be produced.

8. For all these same instruments of enjoyment the cupidity of man in all situations is such as all men feel and see. But, in the situation of King it is in a particular degree insatiable. Consciousness of the power is continually stimulating and sharpening the desire.

9. He who wills the *end*, will thereby all necessary means. In the present case the means are those, for the designation of which the words *corruption* and *deception* may be employed. On this occasion, *corruption—political corruption*—requires complete dissection, which it has never yet had. My children, wait a moment: the *theatre* will open presently.

10. "What a picture"—(I hear some of you saying)—"What a picture, old and gloomy-minded man! are you giving us of human nature! as if there were no such quality as disinterestedness—no such quality as philanthropy—no such quality as disposition to self-sacrifice—in the whole species: no such individual as a *King* taking a pleasure in his duty—doing, on all occasions, his utmost to promote the happiness of his people!

"Notions such as these! and with proofs to the contrary—proofs so brilliant and so indubitable—all the while before your eyes!"

11. Now for my answer:—My, children, I admit all this. I do not deny it: I cannot deny it: I wish not to deny it: sorry should I be if it were in my power to deny it. Not the less do I maintain the fact—that, of the human species, as of every other, the very existence depends upon the established, and almost uninterrupted, habit of self-preference.

12. But I will not—for I need not—trouble you with the development of this truth. I will not—for I need not—attempt to draw you into any such dark recess as the den of what is called among you *metaphysics*, in which the springs of human action are looked into and hammered at. I need not. And why?—Even because my belief in this truth prevents me not from believing in any of those things which you suppose me to deny.

13. Yes. I admit the existence of *disinterestedness* in the sense in which you mean it. I admit the existence of *philanthropy*—of philanthropy even to an all-comprehensive extent. How could I do otherwise than admit it? My children! I have not far to look for it. Without it, how could so many

papers, that have preceded this letter, have come into existence? I admit the existence of a disposition to self-sacrifice: How could I do otherwise? Could I deny the existence of the work of the *three days*?

14. Yes, I admit—not only the possible existence—I admit the actual existence of a *King* who takes a pleasure in doing his duty,—of a King who, on all occasions, does his utmost to promote the happiness and interests of his people.

15. Oh how charming to my heart is the impossibility of an inward refusal to those admissions! But, my children! it is on what has been seen most commonly to happen,—and thence presents itself as most likely to happen,—it is upon *this* that all practice, if it has any pretension to the praise of prudence, must be built.

16. All men are not *Frenchmen*. Frenchmen have not been at all times what they are at the present times. Even Frenchmen cannot be depended upon for being, under all circumstances, what they are under existing circumstances. What if they could be? All Frenchmen are not men of Paris. All men of Paris are not *men of the three days*.

17. Then as to Kings. All French Kings have not been Louis Philippes. No other King ever was what Louis Philippe is. No other King of the French ever will be what Louis Philippe is. Louis Philippe himself will not continue to be what he is, if a Chamber of Peers is suffered to continue, or any Second Chamber is constituted in the room of it. No: Louis Philippe himself will not continue to be what he is, if any such temptation to change is suffered to have place.

18. And why is it that, even if he *could*, no other King could, with such a power in his hands, be depended upon for not abusing it? My children, I will tell you why.

In the situation of *King*, *cupidity* for the above-mentioned good things,—cupidity for all sorts of good things,—is essentially insatiable. Yes: in *that* situation, above all others, your proverb is exemplified—*l'appetit vient en mangeant*.

19. Come—I will give you an example.—I will not speak of a *Ferdinand the Beloved*—I will not speak of a *Don Miguel*:—You have heard of a *George the Third*:—I will speak to you of this same George the Third.

20. *Best of Kings* was the title bestowed upon him:—*best of Kings*, by acclamation—by general acclamation. To George the Third, *Best of Kings*, as to *Voltaire*, *Prince of Poets*, during his life-time—witness Mount Parnassus.—Look then at this *best of Kings*: and then let each of you ask himself—what can I reasonably expect, at the hands of an *average* King? And in particular, of an average King, with a Chamber of *Peers*, in these same royal hands, to work upon, and work with, and mould to all his royal purposes?

21. Well then:—now for a specimen of him.

i. The commencement of his reign was distinguished, by the endeavours of many years to ruin a man for an indecorous word: this endeavour ended in making the man's fortune.

22.—ii. His income was somewhat less than that of your Charles the Tenth: it did not satisfy him.

23.—iii. In the course of that same reign, nine different bankruptcies did he commit. Nine different times did he make those Lords and Commons of his pay those debts which he had contracted without their consent. So at least it was said in that same House of Commons, and no contradiction given to it.

24.—iv. As often as a tax was imposed upon all other incomes, those of all other functionaries included, he caused his own to be exempted from it.

25.—v. At his instigation, a King of Sweden afflicted Russia with a war as completely unprovoked as any that is to be found in history. To feed this war he laboured to plunge into it his own country:—he failed; and my

latest breath will be cheered with the thoughts of having been the author of that failure.

26.—VI. He shared, with my virtuous but misled friend, Brissot, the authorship of your Revolutionary war, with the debt under which we are every where still groaning.

27.—VII. When war was made by England upon Spain (it would be foreign to the subject to inquire upon what grounds) he caused it to be begun in a piratical manner: and of this manner seventeen millions sterling, placed at his private disposal, was the fruit: the faith of Parliament,—his own, with that of his Lords and Commons,—being thus broken, to the injury of the men, at the price of whose blood the booty had been earned: the work of blood and plunder being begun by surprise—no declaration of war made, if at all, till this booty had been secured.

28. Once more.—If—with Peers, and nominees of Peers, for instruments of his *goodness*—such a King was the best of kings,—what think you of an average one?

29. Such was he with his *House of Peers*. Not but that for him to be what he was with those same instruments to work with—a *House of Commons*, such as those he had, would have been sufficient:—a House of Commons, nominated by Peers, or by men longing to be Peers—a House of Commons such as he had and such as his successors and their subjects are destined to have,—unless peradventure, on some beautiful day, London should pluck up spirit enough to take a leaf out of the book of Paris.

To warrant a King in keeping in training, upon appropriate principles, his men-of-all-work, an appropriate maxim has been deemed necessary. Accordingly, of the number of maxims laid down and acted upon is this axiom. *Aptitude is as opulence*. The situation being given, you allot to it a mass of emolument: this done, you take any man whatsoever, and place him in it: no conditions of eligibility,—or, as we say, no qualifications,—of any sort that have any the most distant relation to the business of the office, do you require him to possess. The emolument received by him does everything that is wanted: the larger the mass of it, the higher will be his degree of aptitude. If in that derivable quality any deficiency happens thereupon to manifest itself, it is a sign that the mass was not large enough. You accordingly add more to it: if still there is a deficiency, real or supposed, you add more still: and so, *toties quoties*.

By cramming them with money, Kings are, according to this maxim, in proportion to the quantity of the money, made fit for reigning. Fellow-Citizens! is this really so? Consider and answer to yourselves.

By cramming, fowls are fitted for the table: true. By cramming, the Queen Bee is fitted for her throne: true. By that same process, when then will kings be fitted for this same seat?—when by that same process sharks are tamed, and rendered fit for the saddle, as by Arion dolphins.

To the process of cramming, in the case of fowls, Nature sets bounds. So does she in the case of the Queen Bee. But, in the case of a King of England, or any of his creatures, where are the limits set by anything or any body?

Yet, when and in so far as they are honest, this is the thing laid down by an English Statesman, and built upon:—yes; built upon in practice. But, weak as they are, can you really believe them so to be to such a degree as this?

Fellow-Citizens! Here is no exaggeration: it is the simple truth: my credit is at stake upon it. We have a Minister, who, under the Duke of Wellington, governs the country; and, under nobody, governs the House of Commons. His name is Sir Robert Peel. I took him t'other day in hand. I laboured hard to persuade him—that *money* is not aptitude:—money, and, in particular,

public money, wrang from those by whose labour the money's worth was produced:—that money is not *honesty*; that money is not *knowledge*; that money is not *judgment*; that money is not *active talent*, applied to business such as that of the office. No: all that I could do, I could not bring him to perceive, that a man's having had experience in that same business gave a better chance for his being fit for the doing of it, than could be given by any money that could be put into his pocket (a).

Such management, guided by such intelligence, goes with us by the name of Government. The so-governing and so-governed, you may perhaps look upon as not ill-fitted to each other.

Labour in vain was all this labour; and so it will continue to be, till those, by whose labour the money so disposed of is produced, take up the matter, and say, that *that* which the labourer is content to take for his hire, *that*, in this case, as in every other case, *that*, be it ever so little, is sufficient for him to receive.

Yes: Labour in vain has been hitherto all this labour. Lost it has been upon the counterfeit Representatives of the people. Still, among them, the cry is—*Aptitude is as opulence*. Lost it has been even upon their so-called *Constituents*. No man have I prevailed upon, as yet, to join with me in proclaiming—*Aptitude is not as opulence*.

#### § VI. *Corruptionists unavoidably the Members of any Second Chamber—Objections thence—Corruption dissected.*

1. Fellow-Citizens! I must now speak to you of corruption and delusion. Intimately connected are these two things with the subject-matter of this inquiry; so likewise (as you will see) with one another.

2. By the words *corruption* and *delusion* (*delusion* in English, in French *illusion*), are designated, in both languages, not only the effect produced, but the *cause* of that same effect: not only the *effect*, which will be produced upon the members of this same Second Chamber in case of its existence, but the *cause* by which the production of that same effect will be seen to be unavoidable. For, such in both languages is the poverty of language; and such, in and by both of them, the confusion spread by that poverty over so considerable a portion of that same instrument of thought and converse.

3. Corruption, political corruption, is a sort of thing which is continually in every pen and every mouth. But, in the course of my inquiries, some shapes in which it makes its appearance to a vast extent, have presented themselves to my view—some shapes, of which it has not happened to me to see or hear mention made, anywhere else.

A complete dissection of this same corruption is accordingly an operation, which presents itself to me as being, on the present occasion, an indispensable one. Be the shapes of it in which you exclude it ever so numerous,—as good might you leave it unexcluded in all, as leave admittance to it in any *one*.

4. It is not an agreeable one. To myself, I am sure it is not: to you, I cannot expect it to be. Of this I thus give you warning: whether he will submit to the drudgery will thus depend upon each man's choice.

Thus explained,

5. By corruption you will understand—any act or state of things, by which, by means of its operation on his *will*, a functionary is induced to act in a course—deviating in any manner from the path of his duty.

6. By delusion, effects producible by corruption are produced by an opera-

(a) See a lately-published miscellany, intitled, *Aptitude maximized, Expense minimized*.

tion applying to the understanding: to the *will*, no otherwise than through the medium of the understanding.

7. My children! you see already the practical use there is in holding up to view—the need there is of bringing to view—everything that can be contributory to the production of this maleficent effect:—every occasion, on which it can happen to it to be productive. This is not a question of mere words. Good government depends upon—or rather is the same thing with—the undulating progression of each functionary in the path of his duty. In so far then as his means of happiness depends upon the goodness of the government, the happiness of every man that reads this depends upon the non-deviation of the several functionaries from the path of their respective duties. Of the exhibition thus made, the end in view is—the engaging those on whom it depends, to minimize the *quantity* of the matter capable of this operation, and the number and extent of the *occasions* on which it is capable of producing this effect.

8. On this occasion have patience with me, and you will see brought to view, for the purpose of their being guarded against, ways and means, in and by which the effect of corruption is produced—ways and means to no small extent outstretching all that as yet have been generally in view.

Half a dozen of these you will see—or thereabouts—more or less: as they are presented to your view, indication will be given of their supposed novelty.

9. By *matter of corruption* understand everything capable of having corruption for its effect, and thereby applicable by man to the purpose of producing it: *matter of corruption*, say for shortness. Say also, upon occasions operating as an *instrument* of corruption.

10. The matter of corruption is either the matter of *good* or the matter of *evil*. Yes, the matter of *evil*: for with this effect is the matter of *evil* capable of operating, no less than is the matter of good;—yes: and with even still greater force and efficiency: capable of operating, and to a vast extent, and with a deplorable degree of sinister efficiency,—actually in use to be made to operate.

11. Of the several modifications of the matter of good you have had already—if not a complete list,—exemplifications in large number:—namely, those which, in speaking of the situation of the functionary called a King, were exhibited in the character of objects of his *avidity*, or say *concupiscence*. So many modifications of the matter of good, so many *shapes* in which in the character of an *instrument* of corruption, the matter of corruption is capable of operating.

12. Of the matter of evil, all the several modifications capable of contributing to the production of this effect, you will have in view—in proportion as you have in view those evils, which are capable of befalling a man, and being to this purpose employed, in such manner as to be made appear to him to be continually about to befall him, without exposing the employer to suffer for so doing at the hands of the judicial authority.

13. In this case, the matter of good acts (you will see) in the character of matter of *reward*: matter of evil, in the character of matter of punishment.

14. Behold now a circumstance by which proof and exemplification is afforded of the truth—the important truth—that, in the character of an instrument of corruption, the force and efficiency of the matter of evil is greater than that of the matter of good.

15. By the matter of good,—that is to say, by the eventually expected receipt or enjoyment of it,—how great soever be the value of it, the *power of choice* is not to common conceptions considered, and in common language accordingly spoken of, as *taken away*: whereas, by the matter of evil,—when the amount of it rises to a certain height, the power of choice is commonly considered and spoken of as being taken away: as commonly, as, by a loaded pistol applied to



a man's breast, accompanied with the demand of his money, the power of choice is considered as being taken away.

16. Note here—that the same portion of matter operates in the way of matter of *good* or matter of *evil*, according as it *comes* to the individual in question, or *goes from* him: by *coming* to him, it operates as matter of *good*; by *going from* him, it operates as matter of *evil*: and, by *going from* him it operates upon him with much greater force than by *coming* to him: *coming* to him it operates no otherwise than in the way of *reward*: *going from* him it operates in the way of *punishment*.

17. Take any man for example,—and suppose the value of the whole amount of his property to be 100*l.*: with much greater efficiency, in the way of producing compliance at his hands, will the apparent probability of his eventually *losing* this same 100*l.*, than will the same apparent probability of his *gaining* 100*l.*

18. For holding up to view an evil of such immense magnitude, and thence presenting the demand for remedy,—you will (I flatter myself) not be backward in recognizing the demand for some means of designation: a demand as urgent as that which gave existence to the denominative *corruption* in the case where the matter of *good* is the instrument by which the maleficent effect is produced. No such appellation being in use, it seems to me that by giving the requisite extension to the existing appellation *corruption*, the deficiency may in a more convenient manner, than by any other word, or locution, be supplied; *compulsory*, or say *compulsive*, or else *intimidative*, the corruption being, in this case, stiled; *remunerative* (*a*) in the other case.

19. Now, as to the various shapes in which the matter of good, operating in the character of an instrument of corruption, is capable of having existence. One of them is *patronage*.

20. Among the modifications of the matter of good brought to view, as above, you may have made observation of the various *situations*, of which the official establishment of a community is composed or composable.

21. The happily rare case excepted,—in which the incumbents follow one another in the way of hereditary succession,—in the case of every one of those same situations, for every person or set of persons *placed—located* say—there cannot but be a person or set of persons, by whom he or they are *located*—say a locator or locators. For any such *locator*, *patron* is the term in common use: *patronage*, the name of the portion of the matter of good, possessed by him, in such his capacity

22. Here then—of any such situation the possession cannot have its value, and consequent efficiency in the character of an instrument of corruption,—but the *patronage* of it must have a correspondent value.

23. In the case in which an ecclesiastical benefice is the situation in question, the patronage is denominated an *advowson*. This same advowson possesses a marketable value, just as any ordinary estate in land does: ten years' purchase perhaps, more or less. This then, or thereabouts, subject to correction, may be stated as the relative value of the patronage of any such office. This, and *no* more, may be stated as the value of the patronage of an office to the patron, when the individual, whom he locates in it, is any person taken at large; many more years' purchase may it be worth, if the locatee, whom he locates in it, is a son (*b*) or other near relative, for whom to this same amount he would make provision out of his own income, were it not for the extrinsic source.

(*a*) [*Remunerative.*].—*Attractive* would in this case make a better match with *compulsive* than *remunerative* does: *attractive* from *allucio*: but unfortunately, *attractive* is scarcely as yet in the languages.

(*b*) [*Son*].—Thus, in that part of the judiciary department, which is composed of the

24. Over the *possession* of a profit-yielding situation in the official establishment, *patronage* has this advantage,—that, whereas to the number of such situations which, even under a corrupt form of government, one and the same individual may have the possession of, there is some limit,—to the number of those which he is capable of having the patronage of, there is not any limit.

25. In England, immediately or by the intervention of middlemen, with exceptions to a comparatively inconsiderable amount, the *King* has the patronage of all the several situations of which the whole of the official establishment is composed.

26. Of the matter of corruption in this shape (need it be said ?) is composed, the motive, by which men are induced to do their utmost for the upholding of a form, system, and practice of government, on which the appellation of *Matchless Constitution*, in the endeavour of covering its deformity by a veil of unmerited laudation, is with such unblushing perseverance bestowed; the possessors and cravers of the matter of corruption in this shape, all the while bestowing upon themselves, and one another, the praise of disinterestedness and so forth.

27. For the production of the maleficent effect stiled *corruption*, not necessary is it that there should really be any person in whose mind any such *intention* has place as that of administering the matter of corruption, for the purposes in question, or for any other. Why not necessary ? *Answer* : Because any person, disposed to earn the wages of corruption, will, on sight of any other person occupying a situation which places in the hands of the occupier any adequate mass of the matter of corruption, together with the means of benefitting himself by the administration of it, will presume the existence of an adequate *disposition* so to administer it, and will act accordingly.

28. From this state of things results the need—the urgent need—of appellatives, adequate to the purpose of planting and keeping in one's mind, the distinction between the two species of *corruptionists*—the *intentional* and the *unintentional* :—a distinction which (it is believed) is now, for the first time, held up to view.

29. Moreover, here may be seen the place, for bringing to view the several *classes* of persons to whom the appellation of *corruptionists* may, with equal and indisputable propriety, be applied—namely, *active* corruptionists, the *corruptors* ; *passive* corruptionists, stiled, by means of the termination thus employed in the antient Law French language, *corruptees*—in modern French, *corrompus*.

30. This distinction borne in mind, with indisputable propriety may (it will be seen) be applied the appellations of *corruptionist* and *corruptor* to every person possessing power of patronage: the corruption operating, as such, with a degree of efficiency, proportioned to the magnitude of such his power : to every such patron, and in particular to every *King*.

31. What ! to Louis Philippe ? Yes : to Louis Philippe, and with as indisputable propriety as to George the Third, of blessed memory, or any one else.

32. My children ! think of the *Medecin malgré lui* : he is well known to

judicatory stiled the Court of Chancery, no fewer than nine lucrative offices are in the possession or sure expectancy of a son of the Ex-Chancellor the Earl of Eldon : aggregate income 9,000*l.* a-year, more or less : about one half for this long time in possession ; all those conferred and “ obtained on a false pretence ”—obtained by an act which, by a statute still or till lately in force, was constituted, in the case in which it has for the agent a person other than a member of the official establishment, acting as such, subjected him to the punishment of being imprisoned, whipt, or transported to a distant dependency, there to be kept in a state of servitude. Add, or to be put in the pillory ; till this mode of punishment was a short time ago abolished : false pretence, that of an intention to do the business of the office.

you. Well, then, here you may see a *Roi corrupteur*,—a *Roi corrupteur malgré lui*.

33. But—what, should he decline giving his concurrence to any arrangement, by which, without production of evil to a preponderant amount, in some determinate form,—the *quantity* of the matter of corruption, and thence the *efficiency* of it, would be diminished? The supposition is an unpleasant—an *invidious*—one; the answer, needless.

34. For production of this same maleficent effect, stiled *corruption*,—as little necessary is it that the *matter*, by which it is produced, should, in any *determinate* shape, be present to the mind on which the effect is produced. Why not necessary? *Answer*: Because, to the imaginative faculty of a mind appropriately disposed, it will naturally present itself in the most attractive shapes and colours—the shapes being those of the most valuable lucrative situations, or other benefits, which the patron looked to has it, or is supposed to have it, in his power to confer.

35. Hence may be seen—that, of the matter of corruption, when in an *indeterminate* shape, the efficiency is naturally not only not less, but much *greater*, than when confined to any *determinate* shape.

36. And now may it be seen—why and how it is, that corruptionists—the most maleficent of corruptionists, active and passive—how it is, that they are so ready to make law upon law, against *bribery*—leaving corruption, in its *compulsory* and so much more efficient form, unrepressed, evil in so efficient a manner and degree promoted. Making laws against compulsion, in the form of *bribery*, they combat it in a form in which, it being, and frequently in a ruinous degree, costly to themselves, they are not unwilling to suppress it: leaving it unrepressed when in the compulsory form, they that give establishment to it, in a form in which it not only is so much more efficient, but costs them nothing.

37. In so far as they are reduced to have recourse to bribery, the law is *against* them; and, in this case, to no small extent, they are under the necessity of laying themselves at the mercy of men whose morality they are thus themselves corrupting: at their mercy, not only in respect of the fulfilment of the illegal bargain, but also in respect of forbearance to turn against them, and join in prosecuting them for it. On the other hand, in so far as the form they give to the operation is the compulsive form,—they have, and to a great extent, the law—not simply neuter, but actually *on their side*. Thus it is, for example, to the whole extent of the relation of *landlord* and *tenant*: the landlord turning out, or, by the hand of the law, in various ways tormenting his tenant, in the event of his not giving his vote to the Candidate, how unfit soever, whom it pleases the landlord thus to force upon him (a).

(a) 1. Witness a *Duke of Newcastle*; who, if report says true,\* turns out of their habitations or other possessions, no fewer than seventy heads of families, for having contributed towards the placing in the Assembly of the Representatives of the People, persons other than those chosen by himself: alleging, in justification, his right by law “to do as he pleases with his own.”

2. Witness, in like manner, a *Marquis of Exeter*; who, if like report says true,† gives information to tenants of his, who themselves had even voted for both his Candidates, that “unless they discharge *their* tenants who did not so vote, they shall, notwithstanding their own votes, be turned out of all the property they hold under” the family of which he is the head: to *widows*, moreover, that unless, by *marriage* or otherwise, they procure votes, they will share the same fate.

3. Behold here a *chain* of tyrannies: not content with being himself a tyrant, here stands a man, forcing others (query in what numbers) to be participators in like guilt.

\* *Morning Chronicle*, 27th September 1849.

† *Morning Chronicle*, 8th October 1850.

38. For the production of this same maleficent effect stiled *corruption*, as little necessary is it that the individual, to whom application of the matter of corruption is made, should be the very individual, at whose hands the maleficent conduct—the breach of public trust—is endeavoured to be produced. It may be any other individual, with whom the breach in question is connected by any adequately strong tie—whether of *self-regarding*, or of *social*, or say *sympathetic*, interest.

39. Hence it may be seen—how far from being sufficiently grounded is the notion, according to which, by being secured for life in the possession of a lucrative office, in such sort as not to stand exposed to any danger of being dislocated,—a man is rendered corruption-proof: secured, as he thus is, against corruption, in so far as effectible by application made of the matter of evil in that *one* shape.

40. Corruption-proof—yes; if, to that same purpose he does not stand exposed to the being corrupted by the matter of *evil* in any *other* shape.

41. Yes: if, to the purpose in question, he does not stand exposed to the being corrupted by the matter of *good* in any shape.

42. Yes; if there be no other individual, with whom he stands connected by any such tie as above-mentioned.

43. Here accordingly may be seen the imposture so often endeavoured to be practised, by the boast expressed by the word *independence*: the condition being in fact that of *irresponsibility*: that is to say, non-exposure to suffering in this or that shape, or in any shape, for any act of maleficence committed by the individual in question, in the situation in question (*a*).

44. Imperfect and inadequate would be the dissection here made of political corruption, if the non-proximate as well as the proximate causes of the disorder were not brought to view. Of the non-proximate there may be any number of *removes*. Non-proximate of the *first remove* may be seen in the instance of *wars* and *distant dependencies*. Necessitated by the one as well as by the other are lucrative offices.

45. Wars and distant dependencies bear to each other both relations,—that of cause and that of effect. Of distant dependencies the possession on the one part, the cupidity on the other part, beget war: war has sometimes on the one part distant dependencies for its fruit (*b*).

46. *Corruption and waste*. Between the two evils thus denominated, relations have place, which, on this occasion, it may be of use to have in view.

47. Whatsoever portion of the matter of good is received or looked for by any functionary of government as such, in particular if received at the charge of the government, is, as hath been seen, capable of operating in the way of corruption.

48. But it follows not that it is in any part of its employment in waste: not only whatsoever is necessary to the support of the government, but whatsoever else is capable of being employed in such manner as to be productive of a balance in the scale: not only is not employed in waste, but ought to be employed in the manner in which, by the supposition, it is employed.

49. To a not inconsiderable extent, corruption may have place without waste. For, if by marks of general kindness on the part of one functionary—

(*a*) Of this sort is the independence given to English Judges; who are thereby rendered so many, as it were, natural enemies to justice, and partners in, and supporters of, that aristocratical tyranny, which, under “MATCHLESS CONSTITUTION,” is the cause of all the political evil under which Englishmen are suffering.

(*b*) Bitter is the fruit to the inhabitants of the parent territory, whatsoever it may be to the inhabitants of the soil into which population is transplanted. But when, by the hand of Emancipation, the branch by which a layer was connected with the stock is cut, the layer having taken root, bitterness ceases, and sooner or later all that remains is sweetness.

and in particular a functionary of superior order—without money or money's worth expended, another functionary be inveigled into a breach of official duty: here is corruption, but here is not any waste.

50. Natural indeed, but (as hath just been seen) narrow-sighted and erroneous, would be any such maxim as—Let no institution, by which corruption is *capable* of being produced, be endured.

51. For, in the first place, whatsoever expenditure is to such a degree necessary that government could not have place without it,—operates, except in so far as effectually counter-operated, in the way of corruption.

52. In the next place, at the command of government, a means there is, by which the matter of corruption may be divested of its poisonous qualities.

53. This means consists of the power of *dislocation*, if made exercisable on all public functionaries: immediately or by the intervention of other hands, *by* the great body of the people in quality of possessors of the *constitution* authority, by which the members of the *legislature* are deputed and located.

54. In the case of the members of a *Second Chamber*, as such,—and in particular if in the case of a Chamber of Peers, as such,—every portion of the matter of good possessed by them as such, operates in the way of *waste*, and in the way of *corruption*, both: and, in the way of corruption immediately: because not capable of being counteracted by that power of dislocation, which, with reference to all other functionaries, is capable, as above, of being possessed and exercised by a First Chamber.

55. Thus much as to counteractive remedies. Now as to preventive remedies:—against corruption—whether by means of evil, or by means of good, in the case of location by election, one remedy (need it be said?) there is, and but one: but *that* a certain one. This is—*secrecy* of suffrage: which secrecy may with certainty be maintained by the mode of delivering the suffrage, when effected in the way of *ballot*, as the phrase is:—*may* be maintained—and accordingly is so maintained, by all persons who are really desirous of maintaining it.

56. What then shall we say of him, and of the guilt of him, who, seeing the efficacy of the *ballot*, in the prevention of this corruption—of this oppression—of this tyranny—shall use, and persist in using, his endeavours to prevent the use of this all-efficient and sub-efficient remedy against an evil, by which any form of government, the best in all other respects, is capable of being transformed into the worst.

57. In comparison of the guilt of him by whom any single act of this compulsive corruption is produced,—the guilt of him, by whom the practice of it throughout the whole field of election is advocated,—will it not be as the number of men, if any, who by means of such his endeavour shall have been rendered compulsorily corrupt, will be to number *one*.

## § VII. *Delusion—its contribution to the maleficence of a Second Chamber.*

1. Delusion has two sorts of instruments: the one consists of that portion of the matter of corruption, which is composed of the showy part of the matter of *good*: the other consists of *words*.

2. Of these instruments of corruption which are composed of the matter of *good*,—those, which are instruments of *dignity*, are those, by which, in a conspicuous manner, indication is afforded—either of the *powers* of the functionary in question, or of the matter of *wealth* attached to his situation.

3. Of those attached to the situation of *Monarch*, examples are the following:—i. The Crown.—ii. The Habitments.—iii. The Throne.—iv. The Sceptre.—v. The Armorial Bearings.

4. Of these trappings, to make out a *correct* and *complete* list would be a work of no small difficulty and very small use.

5. To those which consist of words the same observations may apply, with little variation: they must be picked up—these words—wherever they are to be found.

6. *Dignity, lustre, splendor, honor, glory, and influence*: these present themselves in the character of the principal ones.

7. *Dignity* is a sort of *ignus fatuus*, that requires *lustre* and *splendor* for the support of it. *Itself* it is a necessary support to the *throne*: but then, this same self requires support; and these are *splendor* and *lustre*, or *lustre* and *splendor*: one or both, which you please. “This that you are writing (I think I hear you, my children, saying) is stark nonsense.” Yes: so it is, indeed: but nonsense cannot be appropriately represented without nonsense.

8. Think, how many hundreds—thousands—myriads—are every year, in England—not to speak of other countries—consigned to a lingering death: all of them by *taxes* imposed, and means of sustenance thereby snatched away—all for the support of the lustre and splendor of the throne, the crown, and its dignity.

9. The splendor and lustre, that have *gaslights* for their efficient cause and support, and are employed in keeping accidents and offences excluded from streets—these are of real use: but with those the metaphorical splendor and lustre, which give support to the crown and dignity, form a perfect contrast: whatsoever effect they give birth to, when viewed in the point of view in which they are ordinarily viewed, is, instead of being of use, purely mischievous.

10. But these things—do they not give support to government? and if government is an *evil*, is it not a necessary one?—Give support to government? O yes: *that* they do: and there’s the mischief of them. What we want is—that a *good* government *should* have support: and that a *bad* government should *not* have support—should fall to pieces for want of support. But what *these* things do is—giving support to *all* governments—to the *worst* as much as to the *best*.

11. Apply this to the present case. To the Chamber of Peers, let the members of it conduct themselves in it ever so ill—oppose all measures beneficial to us all, as strenuously and perseveringly as they will,—the same support will these extrinsic decorations afford to it.

12. Viewed in their true point of view—understood in their *literal* sense—these same words *lustre* and *splendor* may be *not* altogether useless:—they are not altogether uninstrusive. Of *lustre* and *splendor* taken in *this* sense, what is the effect? to *dazzle* the eyes of beholders: to cause them to see the objects in question confusedly and falsely: in a word—to put these same beholders into, and keep them in, a state of *delusion*.

13. Antient history tells of an “antient sage philosopher,” who took it into his head that he should, somehow or other, be the better off for being stark blind: and accordingly contrived to make himself so, by means of the *splendor* and *lustre* of a brass basin. Of this philosopher the philosophy will, without much difficulty, be pronounced “*false philosophy*,” and surely with as little difficulty may that *philosophy* be pronounced *false*, which prescribes the consigning human creatures by thousands to lingering death for the support of the lustre and splendor and dignity of *coronets*, not to speak of *crowns*.

14. So much for *dignity, lustre and splendor*: or lustre, splendor and dignity. Now for *honor* and *glory*.

As, on their part, *dignity, lustre, and splendor*, are, in our proverbial language, “*birds of a feather*,” and as such, “*flock together*,”—so on their part are *honor* and *glory*. These derive from their relation to *war* the chief part of their relative use: in them may be seen at once a seed and a fruit of it.

15. In *honor*, we, in England, possess four letters which, of themselves, will, at any time, afford a sufficient ground and justification for war: for war, with anybody or everybody. Such, at any rate, was the aphorism—pronounced, once at least upon a time—oftener for ought I know—in our *Honorable House*, by the then leader, and the now idol, of our Whigs. Of the state of things called *war*—which being interpreted, is *homicide*, *degradation*, and *destruction*—human suffering produced in all manner of shapes upon the largest scale—of this so illustriously serviceable state of things, the efficient causes might, all but *one*, according to his principles, be suffered to remain without effects: not so, any the slightest wound received by *honor*.

16. Of this *rhetoric*, what is the correspondent *logic*? *Answer*—That whenever, and to whatever end of your own, and against whatsoever nation, you take a fancy to make *war*,—if, being a statesman, you condescend to *plead a justification* for it, you stand up, give the appropriate sound to the four letters *h, o, n, and r*, and your justification is made: always understood, that you must pronounce the word with a certain degree of *loudness*, and that while you are pronouncing it, your cheeks must exhibit a certain degree of *intumescence*, and your eyes a certain degree of *fierceness*.

17. A justification made for war out of honor, is *cheaper* with *us* (you see) than with *you*. With *us*, four letters are (you see) sufficient: *you* cannot have one for less than *six*: witness *h, o, n, e, u, r*.

18. But, to *Peers* and *Peerages*, in what way is it (say you) that these words *honor* and *glory* have application? I answer, in this way. *Gods* have their attributes: *Kings* and *Peers*, *theirs*. *Kings* are "*Gods with us*" their representatives and images upon earth. *Peers* are creatures of the crown: of the crowns of *Kings*. Of *their* attributes I leave it to some future Blackstone to give a *complete* and *correct* list: all that, at this moment, I know about them is, that this of *honor*, or say *honorableness*, is one of them.

19. With *us*, the *Chamber*, or as we say *House*, in which our self-constituted and self-styled representatives of the people are seated, is stiled *Honorable*: the *House*, that is to say, in plain language, the *population* of it taken in the aggregate. This *House* is simply *Honorable*, while that of the *Lords* is in like manner stiled *Right Honorable* and *Most Honorable*:—one or both—I can't at this moment tell which.

20. Within this same *Right Honorable* or *Most Honorable House*, are *degrees* of honor, rising one above another, in a scale; namely—i. Baron and Baronies.—ii. Viscounts and Viscounties.—iii. Earls and Earldoms: these simply "*Noble*."—iv. Marquesses and Marquisates.—v. Dukes and Dukedoms: these "*Most Noble*." All these *Peers*.

21. But, added to these is a purificative and conservative mixture, of another sort of *Lords*: *Lords*, who are *not* *Peers*, but something better and still more respectable than *Peers*; namely—i. *Bishops*, *Right Reverend*.—ii. *Archbishops*, *Most Reverend*. These, to distinguish them from the sort of *Lords* who are *Peers*, are stiled *Lords Spiritual*; to wit, in consideration of the *spirit* they are full of. *Spirit* meant originally *gas*: a kind of thing, one species of which is that which streets are lighted with: in *their* instance, it means a *sacred* sort. *Sacred* means the same as *holy*: so now you understand what they are. In contradistinction to them, the *Lords* who are *Peers*, and have for their contradistinction attributive the word *TEMPORAL*, cannot but in conformity to the established nomenclature, be acknowledged to be *profane*: *sacred* and *holy* are synonymous to *spiritual*—*profane* to *temporal*: *sacred* and *profane* are to each other as black and white: *holy* men are, somehow or other, if you will believe them, "*in God*:" and being so *in God*, they contrive, somehow or other, to be *Fathers*: which is more than *your* *Bishops* can do: in a *carol* sense at least: or your *Archbishops* either.

22. "All this," I hear you saying, "may be very true! but what has it to do

with *Second Chambers*?" My children, it has *this* to do: wherever there is either *honor* or *dignity*, there must be a *support* to it. Everybody says as much; nobody denies it. And this *support* must be made of *money*. And, for the extraction of the material, from the pockets of those by whose labour that which is given in exchange for it is produced, there must be a *pretence*; and the pretence is made by the manufacture of *official situations*: to which situations is attached money and money's worth, flowing in through the medium of *salaries, fees, and perquisites*: and to the situations are annexed *pensions of retreat*.

23. So, likewise, *pensions, or donations, or both, for widows and children*. For, as each Peer has his *dignity* to support, so has his widow hers: so have his children theirs: every one of these same children, his or hers: of his male children, the eldest has more *dignity* than any of the others have: the others have every one of them the same. And, in each case, what would become of all this dignity, if it was not for the support given to it by the money? It would, of course, drop down. And were it to drop down, what would become of *government*?.....But the catastrophe is too terrible to bear thinking of.

24. True it is—that, in the Anglo-American United States, no such extravasated remuneration has place. Yet there, a something, called government, is to be seen, if you look close to it. And, somehow or other, it stands upon its legs, though it has no such *supports* to it. But, *that* government, being a democratical one, is not (so our monarchists are always ready to assure us) worth looking at.

25. And forget not,—that this jargon about the necessity of honor and dignity, and lustre and splendor, for the support of government,—and of money, extracted by depredation, for the support of honor and dignity, and lustre and splendor,—is *no joke*. It is uttered in most perfect gravity and seriousness, with exemplary solemnity, in messages from the King, and in speeches in both Houses. Uttered as and for a competent government justification of *taxation* to any amount. And, to the quantity of money, for which there may, on this score, be an undeniable demand, no *limit* is ever professed to be set: to the quantity provided for the defence of the country, always: to the quantity provided for the support of the otherwise helpless and doomed to death, *always* is a determinate limit applied: for, in both these cases is reference made to *need* in a specific quantity, to which application of the supply is to be made: for such a number of *months*, such a number of pounds of *money*—and so forth: to the quantity provided for *these supports*, always a limit set: to the quantity provided for the support of *dignity*, never:—never—no never can there be enough of it.

26. And now, my children! now (I hope) you are satisfied: satisfied, I mean, with *me*, your metaphorical father: for, if you are satisfied with the state of things thus faithfully represented,—if you (I say) are satisfied with it, it is more than I can be with *you*. But I will not think thus meanly of you.

27. Nor is this all. The *dignity*, with its *et cæteras*, thus placed upon its *support*,—it is in the situation in question, with relation to the *services* attached to it in the character of *duties*, received as a *substitute for*, under the name of a surely *presumptive efficient cause of*, appropriate *aptitude*:—yes: of appropriate aptitude, in all its several branches, *moral, intellectual, and active*: branches, three or four, as you please; appropriate intellectual aptitude requiring, on some occasions, to be considered as combining appropriate *knowledge* and appropriate *judgment*.

28. How then stands the truth of the ease? Is it—that, the more there is of this *dignity*, with its *et cæteras*, the more there is of this same perfect aptitude? Oh no: but, contrariwise, the *less*. For as to appropriate *moral* aptitude, this is the fruit of *self-denial*, itself an irksome sort of operation: as



to appropriate intellectual aptitude, and active aptitude:—these are the fruits of hard labour—another irksome sort of operation: and the quantity of them is naturally in proportion to the quantity of *need*; and, the less the need a man has of any irksome sort of operation, the less does he employ of it.

29. Of this same *dignity*, the use is, the procuring for the possessor of it, respect, deference, compliance with such demands as it pleases him to make,—compliance with his wish and desire, in so far as it is known, or can be guessed at: and, of all *these* good things, by means of which are producible and produced all *other* sorts of good things—the more a man can have, without either of the above-mentioned irksome operations, without which appropriate aptitude is not to be had,—the less of it will he have need of; and accordingly, the less of it will he give himself.

30. Accordingly, if you would see that relative *inaptitude* which is correspondent and opposite to official appropriate aptitude,—if you want to see that same relative inaptitude,—or in one word, *depravity*,—in its several gradations,—look to the *top* of the scale: there you may see *Kings*. Exactly as their power and dignity, is their depravity: *so*, mathematically speaking, less and less, as they have less and less of those same attributes.

31. To come down to *Peers*. So it will be with Peers. True it is—*your* Peers, if you continue to have any, will not be so bad as *ours*: for they will not have so much—they will not have near so much—*power*, along with their *honour* and *dignity*. They will not have the nomination of the self-constituted and self-styled Representatives of the People: they will not be in the habit of having *distant dependencies* obtained and retained, for the sake of official situations established in them, for the purpose, and with the effect, of being filled by Peers, or elder or younger sons of Peers, for the *profit* of *degradation*, and *pleasure* of *oppression*, to be exercised by those same living receptacles of honor and dignity. The consequences of any such burthen would, in your part of the world, be, for some time, too bad for endurance; and therefore it would not, till after a considerable length of time, be endeavoured to be fastened on you. But, when all this is taken off, there is surely enough left—to prevent you from consenting to be loaded with any such incumbrance as it would load you with.

32. To come home to your Chamber of Peers.—Part and parcel of the matter of corruption would be,—every atom of honor, every atom of dignity,—meaning always, factitious honor and factitious dignity, manufactured as above,—every spark of lustre, and every spark of splendor, possessed by the Chamber of Peers, or by any member of it, as such. Let it be called *influence*—influence simply, or *legitimate* influence—would it—*now*, at any rate,—be the less clearly seen to be the corruption that it is? Would not the speaking of it, as necessary, or even contributory, to the support of good government, be, by all lovers of good government, regarded as an endeavour to produce illusion?—maleficent illusion? These questions will assuredly be seen to furnish their own answer.

33. Well then: could the present, or any other Chamber of Peers, have place among you, without factitious honor and dignity? Could it, without factitious honor and dignity, manufactured out of the sort of materials just mentioned? By any man, by whom it were proposed to be established, would it be proposed, or wished to be established and preserved, clear of all such factitious appendages?

And here you have the last of these strings of questions, which furnish their own answers.

34. Read, in this view, the works of intelligent travellers published of late years: written without view to the present question. Read, in particular, the account given by *Dohell* of that vast sample of the human species—the population of China. Enquire of all intelligent men, who have had occasion

to be acquainted with the different orders of men in Greece: always you will find at the top, depravity; at the bottom, excellence: and how cheering (is it not?) the thought, that it is in the *few* that depravity has her seat; in the many—the vast many—excellence.

35. So much for HONOUR, DIGNITY, GLORY, and their *et cæteras*. Now for *Influence*. *Influence* is *corruption* under another name.

36. Of the terms *dyslogistic*, *eulogistic*, and *neutral*, the *import* has received explanation, and the *use* indication, elsewhere (a). *Corruption* is *dyslogistic*: it gives expression to a sentiment of *disapprobation*, as being attributed to the idea of the *operation*, or the *effect*, designated by it. By the term *influence*, expression is given to the *idea*, without calling up, in conjunction with it, the *sentiment*: that sentiment, which, in so far as imbibed by the hearer or reader, would (it is apprehended) dispose him to endeavour to make alterations in the state of things under consideration.

37. Now, as to the employment given, in the present case, to the word *influence*, in preference to, and, if possible, to the exclusion of, the word *corruption*. For the purpose of giving to the state of things, and to the institutions, on the continuance of which, his happiness is, in so great a degree, dependent, or is supposed by him so to be—a man will, of course, on all occasions that seem favourable, be doing whatsoever to him presents itself as contributing to that same purpose. Amongst other expedients, by giving expression to that sentiment of pleasure and approbation, with which the idea of it is accompanied in his own mind, and which it will be a gratification to him to communicate to other minds. But if, in speaking of the states of things and institutions in question, for the purpose of thus praising them, the word made use of by him, on this occasion, were the word *corruption*, it would not *unsurer*,—it would thwart, its purpose. The proposition, of which it makes part, would be a self-contradictory one: while endeavouring to *defend* the institutions in question, he would thus be passing *condemnation* on them.

38. Take for an example this aphorism—"The *influence* exercised by the Crown is part and parcel of the constitution of the country." The influence of the Crown, without limitation or exception, as to the persons on whom exercised—whether Lords—Commons—or, of the body of the people, such individuals as are electors of the Members of the House of Commons. Over and over again, and without reserve, has this been heard, and without contradiction heard, in the House of Lords, and in the House of Commons; and to this word, *influence*, with as little reserve, has been prefixed the word *legitimate*. To the word *influence* substitute now the word *corruption*. The legitimate corruption,—and say, employed by the Crown—In either of those high places, has any such proposition, with this obnoxious word thus embodied in it, been ever heard? Assuredly not.—To the *Tower*! would be the cry, should any such heresy ever (which it is morally impossible it should) find utterance.

39. Alas! I have been forgetting all the while a sort of dignity, which (it will be said) cannot be truly stiled *fictitious*; forasmuch as, with indisputable truth, it may be stiled *natural dignity*. This sort is—the *genealogical* sort:—the sort composed of the *genus et proavos, et quæ non fecimus ipsi*: composed of our relation to persons whom *we* did not make—of persons who *made us*. Well:—now that I have remembered it, all that I need say of it is—that whatever has been said of the *fictitious*, such may, with equal truth, be said of this *natural* sort: and that—*natural* as it has become, let it have ever so long been so, it was, in the *origin* of it, *fictitious*.

(a) See the *Table of the Springs of Action*, and the *Book of Fallacies*.

### § VIII. *Consequences of Supreme Judicial Authority in the same hands with the Legislative.*

1. The existence of a Second Chamber still supposed, shall its legislative authority receive into combination with it, in the same hands, any judicial authority?—judicial authority in any shape? No: say I, of course: whatsoever be the duration of the authority, whether lifeholding and hereditary, or simply lifeholding; or, as in the case of the Senate of the Anglo-American Congress, for a determinate length of years.

2. Well: but the judiciary authority, which is at present possessed and exercised by the House of Peers—if not lodged in a Second Chamber of the Legislature, what (say you) would you do without it? and, if you cannot do without it, where would you place it?

To these questions answers shall not be wanting. But first must come a brief explanation, on the subject of the judicial authority, taken in the aggregate.

3. Of a judicial authority, what is the use and need? *Answer.* To give execution and effect to the will real or imagined, of the legislature: *real*, in the case of really existing law; *imagined*, in the case of the fiction called *unwritten law*.

4. And (say you) in the case of real law, why cannot the possessor or possessors of the legislative authority give respectively execution and effect to their own will? *Answer.* For want of time: the existence of the quantity of time necessary for such an additional eventual operation not being compatible with the nature of things: except in here and there an extraordinary individual instance of a sort of case of which presently.

5. Suppose no such subsidiary authority as the judicial in existence, the only course left to the legislature, would be the confining itself to the issuing of individual commands, applying to subject matters of all sorts—to persons, things, and occurrences—individually considered: acting thus with a degree of minuteness, exceeding even that which has place in military, or even in domestic life. But, even where the supreme legislative authority is in a single pair of hands, this (you see) is not possible: much less where it stands divided among a multitude of hands.

6. The consequence is,—the necessity of its applying itself to subject matters of all sorts *in groups*: and of having at its command *another* authority, the function of which shall consist in making, in case of contestation, application of the so-declared will of the legislator, to the individual subject matter, of which these groups are respectively composed.

7. Thus, in cases in which contestation has place, or is expected to have place. In cases where no contestation is expected,—as in the several departments, of which the several ministers, or ministerial bodies, termed in England *Boards*, are respectively at the head,—the power exercised by these immediate subordinates of the supreme legislative authority, is styled *Administrative*: in the cases in which, as above, contestation has already place, or is expected to take place, it is styled *judicial*.

8. In this latter case, in each individual instance, two sorts of questions are liable to have place,—namely, 1. That which is called the question of *law*; that is to say—the question whether the import ascribed to the terms of the portions of law appealed to by him, by whom application is made to the Judge, for the sort of service rendered by him, by exercise given to his appropriate power,—be that which *ought* to be considered as expressive of the *will* entertained by the legislature in that behalf. 2. That which is called the question of *fact*—that is to say, the question whether the individual state of

things alleged by him as constitutive of his title to that same service, really, on the occasion in question, at the *time* and *place* in question, had existence (a).

§ IX. *Duration of its Authority,—a further Objection to a Second Chamber.*

1. After the objections from the before-mentioned sources, any additional objection from this one will (I should hope), to *most* eyes, present itself as superfluous:—superfluous, the consideration—what duration had best be given to an authority which ought not to exist at all. Upon the whole, however, on this and other accounts together, a few short hints may, perhaps, be not altogether without their use. And if, in this case, of any use, they would be of still more use, as applied to the Senate, in the Congress of the Anglo-American United States.

2. In the case of the United States Second Chamber, the duration of authority (*term of service* is the phrase there) is *six* years—*three* times the duration of it in the First Chamber. In your case, no duration do I find proposed, of any other length than that of each incumbent's life.

3. Evils in this case behold the following:—

i. How unapt soever, in any or all respects, a man may prove,—he cannot be got rid of.

ii. His continuance in authority being thus assured, proportionably increased is the quantity of the purchase-money which it may be deemed by the *Corruptor-General* worth his while to give for him.

iii. For the purpose of receiving the thus maximized quantity of the matter of corruption, a man of commanding talents may make display of them on the popular side, in the original view of being bought; and, immediately on being located, turn to the left about, and station himself on the corruption side, there to be kept, by the force of a benefit, in any shape, resumable at pleasure.

iv. The increase, which the love, and possession, of power, give to the strength of the disposition to maleficence, has been already noticed. Maximized will thus be the *inclination*, in conjunction with the *power*, to apply the authority to all manner of bad purposes.

So much for *moral* aptitude.

4. If, by the advocates for duration of authority in a Second Chamber longer than what has place in the First Chamber, any endeavour is employed to adduce a reason for it, *experience* is a word—*benefit of experience*, a phrase—employed in giving expression to it.

5. But, against this reason, up rise the answers following:—

i. If, upon the whole, the thus maximized duration of authority is preponderantly beneficial, why not give it to the *First* Chamber, as well as to the *Second*? Your declared opinion finds itself contradicted by your practice.

6.—ii. Whatsoever be the net benefit from this source, it would be greater, if applied to the service of the *First Chamber*, than if applied to that of the *Second*: greater—in proportion to the superiority of the quantity of the effective power possessed by the *First Chamber*, in comparison of that of the *Second*.

7.—iii. In the case of each individual Member,—if, by him—and, through him, by the public—service, net benefit in any shape has been derived from

(a) Ministers of subdepartments proposed in the Constitutional Code, these:—

- 1 Election Minister. 2. Legislation Minister. 3. Army Minister. 4. Navy Minister.
5. Preventive Service Minister. 6. Interior Communication Minister. 7. Indigent Relief Minister. 8. Education Minister. 9. Domain Minister. 10. Health Minister.
11. Foreign Relation Minister. 12. Trade Minister. 13. Finance Minister.

this source—in this event, supposing the duration the short one given to it in the case of the First Chamber, the electors will, at each fresh election, have it at their option to give continuance to the trust, or put an end to it: thus will they have it in their power to give, to these supposed beneficent qualifications, whatsoever quantity appear to them to be of *good* use: whereas, in the case of the long duration, this same duration will this same *experience* have, how *bad* soever be the use made of it.

8.—iv. If the duration be *hereditary* as well as for life, as in the case of a Chamber of Peers,—the persons to whom the experience is given, in this case, will be those, in whose instance the nature of their situation is such, as to leave to them, as hath already been observed, the least quantity possible of inducement to acquire the appropriate experience in question, or to make a good use of it, if acquired; they having, without labour, such a mass of *power* as well as of the *matter of prosperity* in other shapes, as, by persons not in that situation is not attainable, but by and in proportion to the quantity of labour actually bestowed.

9.—v. How to combine the minimum of expense with the minimum of the power of abusing it—is a problem, which presents a demand for solution in the case of a single Chamber, as well as on any greater number of Chambers. For this problem I have found what appears to me a solution, and it is already under the public eye (*a*). The arrangement proposed by it is such as preserves the thread of a measure from being so frequently broken as it is in England under the present practice: and will otherwise be in France, in so far as the *initiative*, recently given to members of the Chamber as well as to the King, is put to use.

So much for appropriate moral aptitude, appropriate intellectual aptitude, and appropriate active aptitude—altogether.

#### § X. *For the Location of the supreme Judicial Authority, sole proper mode, what.*

1. Well then,—for the exercise of the supreme judicial authority, the inaptitude of the Chamber of Peers, and of a Second Chamber in any other shape, being supposed demonstrated by its inaptitude of such Chamber for existence,—what, (it will naturally be asked of me) are the hands, which, for the exercise of that authority, you would recommend as the most proper ones?

2. I answer—General description of them, *this*—namely, those which—not being those of the supreme legislative authority—are those of an authority, as to the acts of which, assurance of their conformity to the will of the supreme legislative authority is most entire.

3. Particular description, *this*—namely, the hands those of a single Judge—located by election in the way of ballot, in and by the Chamber of Deputies.

4. Next, as to *reasons*. As far as it goes, the reason, given in and by this general description, will (I hope) be satisfactory. It will not however be sufficient for the guidance of practice, without some arrangements of detail, respecting the proposed singleness of the Judge, the powers requisite to be given to him, and the securities requisite to be provided against inaptitude in the character and conduct of this high functionary.

These arrangements, with their respective reasons, being given,—it will be the more clearly seen, that any other proposable mode of location is comparatively unapt, and *why* it is so.

5. Extraordinary cases excepted,—in which of necessity the supreme judi-

(a) See Constitutional Code, Vol. I. Ch. vi, LEGISLATION, § 21, *Continuation Committee*.

cial authority must be exercised by the supreme legislature,—supreme judicatory let there be *one*, and *but one*;—and *that* a single-seated one: Judge, sitting in it, but one.

6. Against no alledged misdecision on his part, not charged to be *intentional*, let appeal be made.

7. Against alledged misdecision on his part, charged to be intentional and thence criminal, let there be appeal to the Chamber of Deputies.

8. Power to the Chamber of Deputies, to apply to the Supreme Judge, if deemed guilty of intentional mis-decision, such punishment as it shall deem meet.

9. Power also to the Chamber of Deputies, to reverse, or in any way vary, the decision of the Judge:—but no otherwise than on condition of declaration made that he has been guilty of intentional mis-decision, and punishment applied to him accordingly.

10. By appeal thus from the Judge to the Chamber, let not execution of the decision complained of be stayed.

11. But, in case of the Judge's being so convicted and punished, let *satisfaction*, in the shape of *compensation*, for the wrong done by him, be made to all parties wronged: made, that is to say at the charge of the criminal Judge to the extent of his means; and, to the extent of any deficiency in such means, let the compensation be made at the charge of the public.

12. Note, that the only sort of wrong, for which in the shape of *compensation* adequate satisfaction is not capable of being made to a man, is—*that*, which consists in the [applying to him, or to some person specially dear to him, the punishment of death. In this one circumstance may be seen a reason—and that of itself a sufficient one, for abrogating altogether that mode of punishment: namely, in the event of its being found injurious, the irresponsibility of the injury done by the infliction of it.

13. In the case of the acquittal of a Judge thus charged with intentional mis-decision, power to the Chamber of Deputies—to apply, to the *accuser*, punishment, in whatsoever shape and quantity it shall deem meet: compensation included, for the wrong done to the wrongfully-accused Judge.

14. No such accusation to be received by the Chamber, unless the accuser has previously delivered himself up to the President of the Chamber: unless, for want of forthcomingness on the part of such accuser, a motion for that purpose shall have been made by a member, and acceded to by the Chamber.

15. The accuser having in this case been interrogated by the Chamber—either the accusation will be dismissed, and the accuser, as above, punished,—or, if it be retained, the Chamber will exact such *security* as it shall deem meet, for its continuance on his part to the end of the suit, and for his subjection to punishment, in the event of the acquittal of the Judge.

16. So much for *arrangements*: now for *reasons*. With the supreme *legislative* authority, the supreme *judicial*, in one case at least, must be united in the same hands. Why? *Answer*. Because if it were not, the so-called *supreme* authority would, in fact, become the supreme legislative: issuing, on every occasion, decrees and irreversible mandates at pleasure: the legislative authority having, by the supposition, no means of giving execution and effect to its enactments: in a word,—if the supreme judicial authority were not *in this way* subject to the supreme legislative, the so-called supreme legislative would be subject to the supreme judicial.

17. From the supreme judicial authority, to the supreme legislative, appeal none; except on the ground of a criminal exercise of the power of the supreme judicial authority. Why? *Answer*. 1. Because, if, without this restriction, appeal were made to the supreme legislative,—*this* authority would be the supreme *judicial* likewise: in which case, the *time*, which—except in the extraordinary and indispensable case in question, should be exclusively de-

voted to the infinitely more important business of legislation,—would, to an incalculable amount, be taken from that business, and given to the less important business of judicature.

18.—II. Because the business of judicature would, in this case, be taken from the tribunal the *best* adapted to it, and given to a tribunal the *worst* adapted to it: namely, a multitudinously-seated one. To such a degree divided, responsibility to public opinion would be annihilated (*a*).

19. In case of criminality, as above, the supreme Judge is made thus punishable. Why? *Answer.*

1. If he were not, he might set up his own authority over the so-called legislative, and thus become *absolute*: the above-mentioned destructive mixture of the legislative and judicial authority in the same hands being in this case effected.

20.—II. Note, that—under such responsibility on the part of the Judge, exercise made by him, of any act, likely to be deemed criminal by the legislature, and as such punished in the manner here proposed,—is likely to be extremely rare: so likely, that its never happening at all is perhaps more likely than its ever happening.

21.—III. This however supposes publicity, of the proceedings carried on by and before this Judge. For, supposing them secret, criminality in any shape, on the part of a Judge, beholding no authority over him other than that of the legislation, may be regarded as an ordinary occurrence. So long as any of the matter of corruption were in existence,—inducement, likely to be adequate, could never be wanting.

22. The appellant to the supreme legislative authority against the supreme judicial is subjected to the eventual sufferings above-mentioned. Why? *Answer.*

1. In case of wrong done to him, no other remedy can he have at all: consequently none upon terms less advantageous than these.

23.—II. No limits can be assigned to the sufferings he would stand exposed to by the correspondent wrongs, if he were without this remedy.

24.—III. If the punishment were not thus secure, and the means of securing forthcomingness on his part for the purpose of his being eventually subjected to it thus effectual,—every suitor, who beheld advantage for himself in making appeal, would, as at present, make it: and, when the benefit of the delay would pay for the expense, the appeal would be made—even under a certainty ill-of ultimate success in other respects.

25. In case the supreme Judge is adjudged guilty, as above, compensation is proposed to be made to any such persons as by such his guilt have become sufferers. Why? *Answer.* Because this is what (by the supposition) justice demands: and, without any additional delay or expense, proof will have been made of it, for the purpose of his punishment.

26. To the party injured, compensation is proposed to be made at the expense of the criminal Judge. Why? *Answer.*

1. Because, as far it goes, the burthen of compensation has the effect of punishment: and, in truth, more than the effect of punishment produced any other disposal that can be made of the sum in question (*b*).

27.—II. Because a determinate fruit being thus indicated as derivable from prosecution,—the invitation held out to a party injured, and to all whom indignation at the thoughts of the injury has disposed to give him support, will be the more attractive.

(*a*) As to this matter, in the proposed Code, of which Vol. I. and part of Vol. II. is in print, see in Vol. III. when printed, Ch. xii, JUDICIARY COLLECTIVELY, § 5, *Number in a Judiciary.*

(*b*) See as to this, two works intitled *Petition for Justice and Codification* and *Equity Dispatch Court Proposed Bill.*

28. To the magnitude of the punishment no limit is proposed to be set. Why? *Answer.* Because to the profit capable of being made, as above, by the crime, in the situation in question, no limit can be assigned: and, as often as the enjoyment reaped in all shapes together by a crime, is more than equivalent to the suffering produced by the prosecution and punishment of it, the so called punishment is a reward, by the amount of the difference (a).

29. In default of sufficiency, in the pecuniary means of the Judge, for the purpose of the compensation,—provision is proposed to be made for it at the charge of the public. Why? *Answer.* Because otherwise, adequate inducement to a party injured, to act his part towards the application of the remedy, might not have place.

30. So much for the arrangement proposed for a supreme judicatory, instead of the existing Chamber of Peers or that of any other Second Chamber: and, moreover, for any other that is anywhere in use, or is capable of being proposed.

31. Now for the reasons why, with the narrow and altogether indispensable exception above-mentioned,—no apt supreme judicatory could have place, in the person or persons—either of the King alone, or of the Chamber of Deputies alone;—or of the King and the Chamber of Deputies sitting together;—or of the Members of any tribunal, constituted by those two authorities acting to this purpose in conjunction.

32. To the King alone, this function not proposed to be allotted. Why? *Answer.*

1. Because, in that case, there would be, as above, absorption of a time which could not be spared from other business.

33.—II. The King would thus be exposed to ill-will, at the hands of those to whom his decisions were unfavourable,—and of all persons connected with them, by the ties of party, or personal sympathy, or impelled in that same direction by previous antipathy towards him or those on his side. In a word, he would be unpopularised: and, otherwise than by a Revolution, with its evils, certain and probable, a King,—howsoever unpopularised, and how deservedly soever unpopularised, cannot, unless driven out by terror, be changed.

34.—III. In the case even of a single suit, the subject-matter may be of any degree of importance: and the parties, in one way or other interested in it, may be in any degree numerous.

35.—IV. Take for instance a suit, whether criminal or civil, in which the liberty of the press is regarded as being at stake: or a criminal suit, in which the offence charged is an “offence affecting the exercise of sovereign power,” Rebellion (b).

36.—V. The power of the Chamber of Deputies, and thence that of their constituents, would thus be reduced to nothing. It would have two powers superior to it. To the powers belonging to him as member of the supreme legislature—namely, the powers applying to sorts of cases, the King would add a *вето* applying to individual cases, as they came before him, in his quality of Judge.

37.—VI. To the Chamber of Deputies alone, the power is not proposed to be given. Why? *Answer.* For the reasons that have just been given.

38.—VII. To the King and the Chamber of Deputies sitting in conjunction, the power is not proposed to be given. Why? *Answer.* For the aggregate of the reasons applying to the two just mentioned cases.

39. To a tribunal constituted by the King and the Chamber of Deputies

(a) See the works just above referred to.

(b) In the Table of titles of chapters and sections of a proposed Penal Code, attached to Vol. I. of the proposed *Constitutional Code*—See Part II. *Offences severely considered.*



acting for this purpose in conjunction, it is not proposed to give this power. Why. *Answer.*

1. Because, the communication necessary could not have place, without an absorption of *time*, still greater than in any one of the above-mentioned cases.

11. Because, to a greater or less extent, the other evil effects just mentioned would be likely to have place.

40.—111. Because, of all *good effects*, shewn to be likely to result from the herein-above proposed arrangements, there are not any, that would be likely to be produced, if at all, in so high a degree as by those same arrangements.

### § XI. *Consequences of Executive Authority in the same hands with the Supreme Legislative.*

1. Why mention this? Only that it may be seen—that no question which borders on the present one, in such sort as to be likely to be suggested by it, has been overlooked. For, to the present question it does not present itself to me as appertaining. Nothing of this sort do I see—possessed, or proposed to be possessed, by your House of Peers.

What it *does* propose is, however, a real demand for *consideration*: and into consideration it has been taken by me in another place (*a*).

2. In the constitution of the *Anglo-American United States*, this *combination* actually has place: namely, in the *Second Chamber* of Legislation—the *Senate*. In that one body,—the *three* authorities—the supreme legislature—a large portion of the executive—and the supreme judicature—in part or in whole, are all mixt.

3. I have it in contemplation—to transmit to our friends in that quarter my suggestions on that subject, in company with this. To you they may, perhaps, answer, in some sort, the purpose of *elucidation*.

4. Remains yet another mode of combination. *Executive* authority with *judicial*: *legislative* out of the question. Neither in the work just alluded to has that been altogether out of consideration: nor yet however has the subject been entirely exhausted.

5. *Quodlibet cum quolibet*—apply everything to everything. In this maxim may be seen a supplement to *Baron's* FIAT EXPERIMENTUM. Apply everything to everything: in this may be seen a receipt—for giving, to a stock of ideas, correctness as well as completeness. In chemistry in particular, it is mainly by the application of it that such vast advances have been made by *you*.

But I am straying into the path of *garrulity*—a tempting and seducing path to old age. I correct myself, and stop.

### § XII. *Causes of the attachment to a Second Chamber—England—United States.*

1. Well but (say you) the notion of the usefulness of a Second Chamber in *general*—is little less than universal—has it then no foundation in truth? I answer, No. In what then? (say you). I answer, in mere prejudice—authority-begotten and blind custom-begotten prejudice. Certain countries there were, in which things were found to go on better than elsewhere: and in the government of these countries there was a Second Chamber.

2. Good. But was this Second Chamber the cause of their doing so? a question this, which nobody ever thought of putting to himself. *Efficient, un-influencing*, and *obstructive* circumstances—these are so many packets of fibres, into which the texture of the body politic, in every part of it, must be dissected,

or no rational or effectual remedy can be applied to the disorders it is subjected to: and in comparison of the anatomy of the body natural, the anatomy of the body politic is still young. *Corruption*, you have just been seeing dissected: *constitution* lies now upon the table: a few touches of the scalpel must now be bestowed upon it.

3. Till, from the English form of government (or, as it is so improperly though generally called, the *English constitution*)—till, from this *stock* a *layer* having been made, had been severed from the parent stock and taken root of itself (I mean, you see, the Anglo-American Union),—England was the most prosperous country in the known world: England was, of all the countries in the world, that, in which, in proportion to territory, the matter of wealth was most abundant, and the government in the smallest degree predatory and oppressive. This being the case,—in England the sovereign power had become lodged in a mixt body—composed of—a King,—a House of Representatives, in the choice of whom a more or less considerable portion of the people had some share,—and a House of Lords, the members of which were located in divers modes of location, agreeing in nothing but this—that neither the will of the subject many, nor consequently, their interest as contradistinguished to that of the ruling few, had anything to do in the business.

4. Here, then, was the *effect*: now for what belongs to the *cause*. Look to the concomitant *circumstances*, as above, you will find, that it is not *by*, but in *spite of* this same Second Chamber, that the prosperity was produced. *Efficient* muscular fibres in it you will find none; antagonizing and *obstructive* fibres in it may be seen in abundance. But away with these figures of speech: they are troublesome to manage; and have been worn to rags. Unhappily, there is no such thing as speaking—nor even as thinking—without such figures. Now to the point.

5. Directly or indirectly,—the rulers—of all the above denominations—had it in their power, severally & collectively, to reward, with good gifts, all such persons, as should bring themselves, or be brought, to render to them, in any shape, acceptable service. Of all shapes in which service can clothe itself, laud is one of the cheapest to him by whom it is rendered: directly or indirectly,—as the matter of reward could be administered by them to trumpeters, so could the matter of punishment to gainsayers. For falsehood and misrepresentation, to the benefit of the ruling few, in how high a degree soever detrimental to the subject many,—*reward* there is—administered, or ready at all times to be administered, in abundance: of *punishment* not an atom: punishment being reserved for truth to the detriment of the ruling few, in how low a degree soever beneficial to the subject many.

6. Before the Revolution in 1688 (the short intervals, that had place in the twelve years civil wars excepted) the community was divided into two parties: on the one part, *depredator-general* and *oppressor-general*: on the other part, the plundered and oppressed: depredator-general and oppressor-general, the Monarch: plundered and oppressed, all besides. Lords and Commons, and their *protégés*, being by this circumstance distinguished to their advantage from the rest,—namely, that there were amongst them those who, to the condition of plundered and oppressed, added that of plunderers and oppressors: as towards and under the Monarch, *sub-plunderers* and *sub-oppressors*: as towards one another, *co-plunderers* and *co-oppressors*.

7. Came the Revolution—the glorious Revolution—of 1688, and the parties were changed. On the one part, co-plunderers and co-oppressors, King, Lords, and Commons, and their *protégés*: co-plundered and co-oppressed, all besides.

8. Here then was the *Athanasian Creed* carnalized and realised. Here was *Trinity in Unity*. The King excellent, the Lords excellent, the Commons excellent: and yet there were not three excellent, but one excellent.

Any other points of unity it were needless to enumerate; these being—all of them—even these three thousand of men, summed up in this one of excellence.

9. One only must be brought separately into view: it being the one that belongs more particularly to the present purpose: it is that of *incomprehensibility*. The King was incomprehensible, the Lords were incomprehensible, the Commons were incomprehensible. And yet there were not three incomprehensibles, but one incomprehensible.

10. A property, which, under any form of government but the democratical, is by all rulers desired to be found and preserved, and consequently, where not found, to be created—is *blindness*:—that property, which, in French, when considered as *corporeal*,—as having its seat in the *body*,—is called *aveuglé*; when considered as *mental*,—as having its seat in the *mind*,—is called *aveuglement*: in English, the word *blindness* serves for both purposes.

11. By blindness,—by whatsoever bandage kept over the eyes—by this state of the eyes, coupled with land from lips and from hand with pen in it, much reward was to be got; from vision—distinct relative vision—nothing better than punishment. Discrimination imports relative vision: therefore in the laud so bestowed, no discrimination was to be employed.

12. Mental blindness—*aveuglement*—not being at this present writing *the order of the day*, the process of discrimination has here been ventured upon,—if without hope of reward, yet, although Lord Tenterden is at the head of the penal branch of the law, in the situation of Lord Chief Justice of the King's Bench, and Sir James Scarlett in that of Attorney-General, without much fear of punishment.

13. Prism in hand, I have ventured to decompose this carnal Trinity. Rational prosperity being the effect in question, *obstacle* (I say) to it is the authority of King, Lords, and Commons; but, most powerful of all, that of these same Lords:—not however so much in their own right, as in their quality of makers and masters of the Commons: *causes* of that same prosperity, the operations of all such members of the *Public Opinion Tribunal* as, from time to time, have shewn themselves more or less disposed to substitute to a form of government which has for its object and end in view the preservation of the faculty and practice of depredation and oppression for the benefit of rulers, at the charge of subjects,—a form of government, which has for its end in view the creation and preservation of equal *benefits*, and, for that purpose, equal *rights*, to rulers and subjects; saving only—to rulers, those peculiar *rights*, of which *powers* are made, and without which they cannot be *rulers*.

14. By the explanation thus given of this same doctrine of incomprehensibility and the cause of it, I hope I have rendered *myself* in some tolerable degree well comprehended.

15. In the bringing about the Revolution of 1688, Locke, as every one knows, had no small share. In those days, after the shock produced by the conflict between Absolutism and Radical Reform, such was the shattered state of the public mind, nothing better than Moderate Reform could be looked for by his discerning eye. The people had been blinded, and were led blindfold, in a string, woven in the Westminster Hall manufactory, by order from King, Lords, and Commons, by their copartners and servants of all-work—the Judges.

16. What the *hatchet* is to the Russian Peasant, *fiction* is to the English Lawyer—an instrument of all-work. Locke had been a pupil of that versatile genius—politician and lawyer—the Earl of Shaftesbury, Lord Chancellor. Seeing how things stood, he borrowed of them that same instrument of theirs, went to work with it, and chopt out the *original compact*. So doing, he had their assistance and co-operation for his support: without it, they perhaps

would not have been willing to lend him their assistance: pretty constantly, they would not have known how.

17. Of the *greatest-happiness-principle*, discerning as in so superior a degree he was, Locke had no clear view: the eyes of his mind had not, with any sufficient degree of steadiness, directed themselves to this quarter.

18. Witness his position—(call it axiom—call it definition—call it at any rate *exposition*)—out of which he thought might be made the foundation stone of Law—namely, “Where there is no *property* there is no injustice: as if the effects of human conduct upon human happiness, and thence the direction most proper to be endeavoured to be given to it by human rulers, could be pointed out, by statements merely declaratory of the relation of the import of one word or phrase to that of another.

19. This same *original compact*—the compact between King and People—was a fabulous one (*a*)—the *supererogating compact*—the compact of 1688—the compact between King, Lords, and Commons, was but too real a one.

18. Bringing into *hotch-pot* (so says the old law French word)—*pic-nic fashion* (so says the modern English word)—our respective shares of power,—quoth each to the others, We will make a feast for ourselves—an all-the-year-round Lord Mayor’s feast: at the expense of mob, alias rabble, alias populace, alias lower orders, by whose labours the materials of it will be, as they have been, produced.

19. For the music of the feast,—*chorus*, set by Blackstone: his substitute to *Hallelujah*, his *Esto Perpetua!* *Finale*, by his fellow-worshipper of Church and King—Lord Eldon—*one cheer more!*

20. So much for *Glorious Revolution*: and the authority-begotten prejudice planted by it, for the support of a Second Chamber—in France, a House of Peers; in England, a House of Lords. Exit *Misrevolution*; as we say, *misfortune—misdecision*; alias *mised revolution*, as per Dean Swift, when he sung—The Longitude miss’d on, By wicked Will Whiston: alias *Miss*, or, as *you* say, *Mademoiselle Revolution*, christened by her godfathers and godmothers, *Gloriosa*: namesake to Donna Maria da Gloria.

21. Enter now *American Emancipation*. From 1688 to 1773, or thereabouts, the occupation of plunderage and oppression went on everywhere. In both continents,—in the American, as well as in the European,—men continued to see themselves skinned, being (like the cook’s eels) *used* to it. But, in the American, men were not quite so much used to it as in the European.

22. In matters of detail,—a form they were still more used to,—was a much better form,—a form, in the making of which the disdainful negligence of their rulers in the mother country had suffered them to have a hand.

23. When, on the occasion of the rupture, they had a form of government to settle,—they saw considerable ground for thinking well of a Second Chamber, though it was composed of a hereditary and haughty aristocracy, and no determinable ground for thinking ill of it. In whatsoever they were suffering, or had at any time suffered, the King’s was the hand that had been most visible, not to say alone visible. With him had everything, and consequently everything bad, originated: with the House of Lords, nothing. Still was the government, from which their ancestors had taken refuge in their wilderness, less bad than any which they had been accustomed to see elsewhere: and it was to a House of Lords, without a House of Commons (?) that England, as they saw, stood indebted for the features by which her form of government stood thus advantageously distinguished: for it was to a House of Lords, and without a House of Commons, that she stood indebted for *Magna*

(a) See displayed, in the *Fragment on Government*, the inaptitude of the *original compact* as a substitute to the greatest-happiness-principle—at that time, in compliance with custom, denominated the *principle of utility*, from *David Hume* and *Helvetius*.

*Charta*: it was to Simon de Montfort—a Member of the House of Lords, that she stood indebted for the House of Commons itself. The House of Lords they saw approved by Blackstone. The House of Lords they saw admired by Blackstone: and, for constitutional legislation, they had in view no better approved guidance than that which was afforded them by the anility and servility of that English lawyer.

24. In the remedies they employed, no great comprehensiveness, in their situation, seems discernible. Greater was not to be expected. In the order indicated by the severity of the smart, the thorns they suffered by were plucked out, as was natural, one after another. Neither to their sense, nor to their imagination, had the Second Chamber presented itself, as the source of any of their sufferings: to exempt themselves from all such uneasiness, they had but to constitute themselves creators of the *Quasi-Lords*, of which the population of their several *Second Chambers* was composed.

25. No wonder that, without troubling themselves to enquire into the particular use of it, they should continue on foot every institution from which they felt not any particular annoyance. The form of government, the *capital* part of which they had shaken off—this form of government, with all its defects, was still less bad than any other that had ever presented itself to their view. Of their *place-men*, those who had, from time to time, been sent to help govern them from the mother-country, had, of course, been at all times loud in their *laud* of it. Their *lawyers* were the issue in tail, male and female, of the lawyers of the mother country—hereditary possessors of their sinister interest, and interest-begotten prejudice. The people's at once blind and treacherous guides, saw sufficient reason to be pleased with whatsoever, in a more particular manner, regarded themselves,—and thence with the whole matter of it in a lump, after the particular parts, from which they had been sufferers, had been got rid of.

26. Under these circumstances, no wonder—that, the particular exceptions always excepted, one proposition was—generally, not to say universally, regarded as an *axiom*—*Whatever is, is right*; or, in Blackstone's language,—*Everything is as it should be*. This, in English: of which the French version is—in the language of the *Financier* of the *ancien régime*—the question, "*Pourquoi innover? Est-ce que nous ne sommes pas bien?*"—a question, which contained in it its own answer,—an answer, the truth of which was altogether beyond dispute.

### § XIII. Conclusion—Let not Democracy be a Bugbear.

1. Fellow-Citizens! *Anarchy* is one bugbear; *Democracy*, another. Separately, or like dogs coupled, they are sent forth by periodicals—ministerial and absolutist—to strike terror into weak minds, on both sides of the water—yours and ours: to frighten men out of their wits, and prevent them from forming any sound judgment on the all-important subjects which you have been seeing handled.

2. "Democracy has Anarchy for its certain consequence;" or—"Wherever Democracy has place, Anarchy has place;" or—"Democracy and anarchy are synonymous terms;" a specimen this of the *travaddle*, that may be seen employed for this purpose. *Travaddle* has not long been in our colloquial language: it will not be found in any of your dictionaries of it: *anility* may perhaps serve to express in both languages the idea it calls up.

3. Unhappily—foreign as it is to reason—hostile as it is to reason—it is not the less effective. *Fear* is a *Passion*, by which judgment is laid prostrate and carried away captive.

4. Such being the power of this same bugbear,—a few words of exorcism to drive away, from as many of their seats as possible, all such nuclear spirits, may perhaps be not altogether without their use.

5. Before any such connection between Democracy and Anarchy can have been really believed by a man to have place, he must have been already blind,—or by a bandage of effectual tightness, have prepared himself for the not seeing it: he must have been already deaf, or by an effectual obturative prepared himself for the not hearing it. In him may be seen a patient, labouring under a sort of *monomania*. Suppose then some charitable practitioner disposed to attempt relief, how should he go about it? In some such way, perhaps, as this. Two words—*Democracy* and *Anarchy*—produced the disease: one other word—*America*—may take the lead in the cure. Applying then to one of the ears of the patient a *hearing* trumpet, suppose his *Æsculapius* to take in hand a *speaking* trumpet and speak thus:—“*America*, Sir!—did you ever hear of such a quarter of the globe as *America*? Did you ever see it laid down in a map? If yes, did you ever hear of a part of it stiled the territory of the *United States*? Did you ever see it marked down in that same map? If yes, did you ever hear of their being six and twenty of them, more or less? If yes, did you ever hear of their having, each of them, a *constitution*; and all of them together, an all-comprehensive one, regulating the affairs common to them all: to each of these constitutions expression being given in a determinate assemblage of words, printed and published for the information of all? If yes, did you ever hear said of any one of them, that the enactments of which it is composed experiences less punctual obedience than do the laws of any other government that can be mentioned? If not, is that state of things *Anarchy*? Is it compatible with the existence of *Anarchy*?—of Anarchy, throughout the whole of one and the same territory?”

6. This same word *Anarchy*—has it in your mind, Sir, any intelligible meaning, other than the non-possession of security, for those good things, on the possession whereof life, and all that is worth having in it, depends:—security as to person—security for property, power, reputation, and condition in life. For which of these possessions, then, is security less certain *there* than under any government under which it is most? [meaning always in those parts of the respective territories, in which the population is dense enough to admit of such security].

7. *Anarchy* indeed? If by *anarchy* is meant the want of security in all or in any one of those shapes,—have you any curiosity to see an instance of a country in which it has place? If yes, what think you of England?—Do you want to see a word or a phrase synonymous to *Anarchy*? What say you to *Matchless Constitution*? Matchless Constitution! what is it but a mere fiction? Can you, Sir, find anywhere any determinate form of words in and by which it stands expressed? *Anarchy*? have you any wish to see a definition, or a true description of it? What think you of this? Anarchy is a state of things, in which, over the greatest part of the field of law—over all that part that is governed by what is called Common Law in contradistinction to Statute Law—the existence of law is a mere fiction: in which, what there is of real law is, to all men but a few, *unknowable*: so much so, as to be incapable of serving them as a guide for their conduct: and in which what is called *justice* is—to all but a few (and those too plundered by it) accessible? in which, according to the confession of appropriately learned and officially commissioned men, there is not in the whole territory a foot of land, the title to which is secure.

8. Well then, my Fellow-Citizens of France! Well then, my Fellow-Citizens of England! My Fellow-Citizens of the civilized world! My Fellow-Citizens of future ages! If *Democracy*, instead of being the same thing with *Anarchy*, is really a better form of government than any which is *not* Democracy—better than an absolute monarchy, an absolute aristocracy, or an aristocracy-ridden monarchy—what reason is there, why I should not hold the difference

up to view? If no use can be found for a House of Peers, why should I not say so? If no use can be found for any Second Chamber, or any sovereign governing body, other than a set of men chosen and commissioned by the people at large,—why should I not say so? If no use can be found, for any such functionary as a . . . . as a . . . . King—(there—the word is written, and the world is not yet come to an end)—why should I not say so? If King and Second Chamber are—both of them—worse than useless—why should I not say so? If there be any use in them or either of them, let him who thinks there is and says there is, shew it.

9. When I set pen to paper, I did not look to say all this:—I did not look to go so far: but, as the consideration and the argument proceeded, I found myself led on.....and on.....till I came at last to this point. In saying what I have said—have I said any thing that is not true? Let it be shewn that it is not,—and I myself will confess that it is not. Have I said anything that is mischievous, or likely to become mischievous?—Let it be shewn in what precise way it is likely to be mischievous:—by whom and how it is likely to be made so. Let it be shewn—how of anything that is true on the subject of government, the knowledge can be mischievous.

10. Let this be shewn—and I will take a lesson from Fenelon; in the face of the public, pass condemnation on what I have been writing, and recommend it to the flames.

Fellow-Citizens of France,

11. At this present writing, we in England are sharers in *one* part of your good fortune. The King we have in England is really what his father was said to be—the *best of Kings*:—the best of the Kings we ever had, or are likely ever to have: such at least is, in all sincerity, my notion of him. How cheering it is to me to be able to say so! All blessings be on his head! Such is my acknowledgment. But, by this momentary piece of good fortune, how can my notion of Kingship *in general*, be a whit altered?

12. As to the quantity of suffering which it would take to pass from Monarchy to Democracy, this is what I am not competent to appreciate. It will depend upon the circumstances of the several States.

13. Note well—it is for myself alone that I am thus speaking. If I am a criminal, I have no accomplice. If I shall be found to have been doing good, it being done thus openly, it will not have been, as the poet phrases it, “done by stealth;” nor will there be any call for “blushes:” for I shall not “find it fame.”

With my never-departed-from simplicity and sincerity,—I have at length said my say:—and so,—for this time—Fellow-Citizens, of all places and all times,—Farewell!

THE END.

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